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PROCEEDINGS OF THE CINCINNATI
CONFERENCE FOR GOOD CITY
GOVERNMENT AND THE FIFTEENTH
ANNUAL MEETING OF THE NATIONAL
MUNICIPAL LEAGUE

Held November 15, 16, 17, 18, 1909
At Cincinnati, Ohio

CLINTON ROGERS WOODRUFF, EDITOR

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sens' Bulletin, of Cincinnati, "When reviewing in all its details the success that marked the sessions of the joint meeting in this city of the National Municipal League and the American Civic Association one is tempted to deal largely in superlatives. Probably nothing more superlative can properly describe what was the most successful meeting that these two great organizations have ever held."

Instruction in civics in our schools, charter reform, including the commission form of municipal government, municipal research, the police question, the merit system, budgetary reform, electoral reform, to all of which the League has given continuous attention, came in for further elaboration. Important contributions to each subject were made and several new and most important topics were taken up with distinction.

This volume is sent forth with the hope that, like its predecessors, it will prove an effective aid in the great and growing movement for the emancipation and upbuilding of American cities.

TABLE OF CONTENTS

	PAGE
PROCEEDINGS OF THE CINCINNATI MEETING.....	I
MUNICIPAL PERIODICAL PUBLICATIONS.....	12
INSTRUCTION IN CIVICS IN ELEMENTARY AND HIGH SCHOOLS.....	25
Discussion by Prof. Jesse J. Sheppard, Prof. Charles E. Chadsey, Prof. Arthur W. Dunn, Edward J. Ward, A. Leo Weil, Fred Tuke.	
IMMIGRATION AND THE MUNICIPAL PROBLEM.....	51
Discussion by Harvey N. Shepard, Joseph McC. Bell, A. C. Pleydell, I. M. Wise, A. R. Hatton.	
POLICE PROBLEMS IN CITIES	53
Discussion by Richard Henry Dana, A. C. Pleydell, A. Leo Weil, William Dudley Foulke, Frank N. Hartwell, John A. Fairlie, A. Julius Freiberg.	
PITTSBURGH CIVIC COMMISSION	69
INITIATIVE IN THE CHOICE OF ELECTIVE MUNICIPAL OFFICES	
<i>Charles J. Bonaparte.</i>	77
AMERICAN MUNICIPAL SITUATION.....	<i>Clinton Rogers Woodruff.</i> 87
THE EFFECT OF THE IMMIGRANT ON MUNICIPAL POLITICS.....	
<i>Hon. William S. Bennett.</i>	142
IMMIGRATION AND THE MUNICIPAL PROBLEM.....	<i>Miss Grace Abbott.</i> 148
THE POLICE PROBLEM IN CITIES....	<i>Prof. Augustus Raymond Hatton.</i> 157
APPOINTMENTS TO AND PROMOTIONS IN THE POLICE FORCE.....	
<i>Arthur H. Woods.</i>	172
TAKING MUNICIPAL CONTRACTS OUT OF POLITICS.....	
<i>Richard Henry Dana.</i>	179
THE ESSENTIAL PRINCIPLES OF A BUILDING CODE..	<i>Lawrence Veiller.</i> 196
THE BOSTON FINANCE COMMISSION	<i>Harvey N. Shepard.</i> 205
THE COMMISSION FORM OF GOVERNMENT TO DATE.....	
<i>Ernest S. Bradford.</i>	217
THE HOME RULE LAW FOR CITIES IN MICHIGAN..	<i>Hon. Guy A. Miller.</i> 229
THE PAINE LAW IN OHIO.....	<i>John R. Schindel.</i> 249
MUNICIPAL BUDGETS AND EXPENDITURES.....	<i>Dr. L. G. Powers.</i> 258

	PAGE
THE PROPOSED WASHINGTON BUDGET	<i>Alonzo Tweedale.</i> 273
MUNICIPAL RESEARCH TO DATE.....	<i>Rufus E. Miles.</i> 284
THE ELIMINATION OF PARTY DESIGNATIONS IN MUNICIPAL ELECTIONS.	
	<i>Robert Treat Paine, Jr.</i> 291
THE OPERATION OF THE INITIATIVE AND REFERENDUM IN OREGON...	
	<i>Joseph N. Teal.</i> 309
THE OPERATION OF THE RECALL IN LOS ANGELES.....	
	<i>Fielding J. Stilson.</i> 326
THE VOTE ON BOSTON'S REFERENDA FOR ONE HUNDRED YEARS.....	
	<i>Dr. Edward M. Hartwell.</i> 334
THE ASSOCIATED HARVARD CLUBS' REPORT ON SCHOOL ADMINISTRATION	<i>A. Julius Freiberg.</i> 354
INSTRUCTION IN CIVICS IN ELEMENTARY AND HIGH SCHOOLS:.....	
	<i>Prof. James J. Sheppard.</i> 366
INSTRUCTION IN CIVICS.....	<i>Dr. M. M. Davis, Jr.</i> 380
A PROGRESSIVE RAPID TRANSIT POLICY.....	<i>Dr. Milo R. Maltbie.</i> 390
THE CLEVELAND STREET RAILWAY SITUATION....	<i>Warren S. Hayden.</i> 403
GRAFT CRUSADES.....	<i>A. Leo Weil.</i> 417
FROM VILLAGE TO CITY.....	<i>John Ihlder.</i> 424
MUNICIPAL HEALTH PROBLEMS AND THE GENERAL PUBLIC.....	
	<i>M. N. Baker.</i> 433
PUBLICITY AND REGULATION OF CAMPAIGN CONTRIBUTIONS.....	
	<i>Prof. Robert C. Brooks.</i> 439
ROUND TABLE CONFERENCE: "FRANCHISES"	441
ROUND TABLE CONFERENCE: "METHODS"	450
ROUND TABLE CONFERENCE: "THE SHORT BALLOT"	464
DINNER ADDRESSES	471
BALDWIN PRIZE.....	473
COMMITTEES.....	474
STATE SECRETARIES	477
NEW YORK CONFERENCE ON INSTRUCTION	479
INDEX.....	481

FIFTEENTH ANNUAL MEETING OF THE NATIONAL MUNICIPAL LEAGUE

AND THE

SEVENTEENTH NATIONAL CONFERENCE FOR GOOD CITY GOVERNMENT

HELD AT

CINCINNATI, OHIO,

IN CONJUNCTION WITH THE

AMERICAN CIVIC ASSOCIATION,

NOVEMBER 15, 16, 17 AND 18, 1909.

FIRST JOINT SESSION.

MONDAY, NOVEMBER 15, 1909, 8:00 O'CLOCK P. M.

The first session of the convention, which was a joint meeting with the American Civic Association, was called to order in the Convention Hall of the Hotel Sinton, Cincinnati, O., at 8:00 p. m. on November 15, by Walter L. Fisher, Esq., Chicago, Ill., Fourth Vice-President of the National Municipal League.

VICE-PRESIDENT FISHER: *Ladies and Gentlemen:* We are met this evening to open the sessions of two organizations which have now for some years stood for something other than mere criticism of the existing order of things; two organizations, one of them for fifteen, the other for five years, that have been engaged in the work of constructive reform, in substituting for that which was bad something that was better. It is not my intention this evening to make any remarks but as the presiding officer, merely to introduce to you those who are to speak. We are first to hear from the representative of the City of Cincinnati, to which city both organizations are so deeply indebted—E. M. Ballard, Esq., City Solicitor. [Applause.]

MR. BALLARD: In that these organizations stand for good government, good municipal government; in that they are giving time and study to the solution of the many difficult problems that confront those who ad-

minister the affairs of the city; in that they seek that our city shall be made more beautiful, they have the approval of every citizen. The awakening of a general interest in such affairs as these **Difficulties Con-** must necessarily eventually tend to bring about better **fronting Muni-** municipal service. The problems are very many, and **pal Officials** the difficulties that confront those who are brought practically to solve them, are greater than those who have not been so placed can realize. The difficulties are greater even than the student of such affairs realizes, unless he has had practical experience in attempting to solve these problems.

It is therefore most commendable that a large body of thinking men shall give their time and attention to assist those who are trying practically to solve these problems and to give those who are thus actively engaged in them such assistance as they can.

The office-holder finds himself between those who would have parks and boulevards, and all things beautiful, on the one hand, and the taxpayer who must pay for these beautiful things on the other. He finds himself between the man, who would have smoke eliminated, and on the other hand the man who says that in the interest of the commercial supremacy of the city it is necessary to use the cheapest fuel that we can obtain. The officer finds himself between two classes of people. He finds every section of the city demanding improvements, and realizes that it is impossible for all requests to be granted. It, therefore, becomes necessary to work out the best practical solution, the best between the conflicting demands, and placed in such position he must treat the questions arising practically, and not theoretically.

Indiscriminate, undeserved and promiscuous criticism of a public official, merely because he is a public official, has become very common; and while I would not for one moment have honest and deserved criticism of public officials abated one whit, yet I protest against indiscriminate and undeserved criticism; and I would urge, that before criticism is indulged in that it be done only after investigation shows that that criticism is well deserved.

There is one thing further that I would ask in behalf of the officer who has made an honest effort to administer the affairs of his department well, that occasionally he be given a little bit of appreciation. [Applause.]

The ultimate objects of these organizations are of the best and they must meet with the approval of every good citizen.

In conclusion, I once more bid you all welcome to our city.

VICE-PRES. FISHER: It is said that a prophet is not without honor save in his own country. I do not know what you people think in Cincinnati of Elliott Pendleton, but I can tell you what the people throughout this great country who are interested in this reform think of him. We believe that he is of the salt of the earth, one of the men who is doing

more in his own way, and more effectively, to bring about the result for which both these organizations stand than almost any other man I might mention. [Applause.]

Mr. Elliott H. Pendleton, Chairman of the Citizens' Reception and Entertainment Committee, and Editor of the Citizens' Bulletin of Cincinnati, was greeted with prolonged applause.

MR. PENDLETON: I thank you, Mr. Chairman, for your kind words; and I thank you, my friends, for giving your approval of those words. I have not done much; I am only trying to do my share. And if we would all do a little bit how easy the problem would be. I thank you again for your appreciation of what little I have done. I hope that we may be able to work together to accomplish much greater results than those which we have already attained. [Renewed applause.]

MR. PENDLETON: *Mr. Chairman and Guests of Cincinnati:* As the representative on this occasion of the forty-two organizations which have been accorded the privilege of acting as your hosts during the great national conference for good city government which begins with this session, I should be derelict in my duty if I did not endeavor to impress upon you at the outset how highly your hosts appreciate the honor of receiving and entertaining men and women engaged in the promotion of such objects as the National Municipal League and the American Civic Association were organized to accomplish. In coming to Cincinnati, my friends, I can assure you that you have come to a community that is in sympathy with your aims and purposes and in which you will find many earnest and patriotic men and women, ready, willing and anxious to join forces with you to the end that American municipalities shall be made the best governed cities in the world.

For years we strove in vain to persuade you to honor our city by your presence in annual convention assembled and we were not a little disturbed and chagrined that our many and urgent annual invitations, prior to your acceptance of the one extended this year, were so uniformly "respectfully declined." The only conclusion we could deduce from such treatment was that in your opinion Cincinnati was either not worth saving or else that her citizenship was of such a character as to be wholly incapable of comprehending the problems which were engaging your attention. This interpretation of your aggravatingly habitual refusals to listen to our appeals made us only the more insistent in our entreaties to induce you to come to our city in order to prove to you that Cincinnati is not altogether beyond redemption and that her citizens are not quite as bad a lot as you may have been misled to believe they were. That we possess one characteristic worthy of commendation I am quite certain you are even now ready to admit, namely, persistency—without which none can ever become an efficient worker in the field of municipal improvement.

Cincinnati's Invitations

Far be it from us to claim that we have not been indifferent to our duties as citizens. Our apathy concerning municipal conditions has been equaled only by that which has existed in some other American municipalities which we have read about. Perhaps you know of some city not far remote from your own whose inhabitants have not yet fully realized to how great an extent their health, happiness and prosperity are dependent upon the efficiency of the government of their city. If I have been correctly advised, some of you, I think, reside in the vicinity of the city of New York, others among you not very far away from Chicago, or Philadelphia, or St. Louis, or Boston, or Baltimore, America's greatest municipalities, and yet who among you would think for an instant of referring to the government of any of these great cities as ideal.

We of Cincinnati, my friends, are and have been for many years intensely interested in the problems to the solution of which you have been devoting your best thought. There has been a great civic awakening in Cincinnati. We have been striving earnestly for the betterment of municipal conditions. The results have been most encouraging. The progress made within a brief period has been marvelous. A complete re-

Cincinnati's Progress

volution of policy with respect to our public schools has been effected. Our levy for school purposes is now more than twice what it was only four years ago. Medical inspection has been provided. Manual training and the teaching of civics have been introduced. The merit system now applies to the selection and promotion of teachers. A separate school-board ballot without party emblems or party designation has been secured. A law was enacted providing for a small school board of seven to be elected at large to supplant our cumbersome board composed of twenty-seven, twenty-four of whom are elected by wards and three at large. Unfortunately this law was declared unconstitutional. The people of Cincinnati, however, will not rest until this desirable change in the size of the school board has been effected. A comprehensive park plan has been adopted and a separate Board of Park Commissioners has been appointed to carry it into execution. Through the efforts, principally of the Woman's Club of Cincinnati, a number of playgrounds have been provided and others are to be established. As the result of the completion of a new waterworks and filtration plant Cincinnati has for a year or more been supplied with absolutely pure water, in consequence of which the city's death rate has been materially reduced. Typhoid has been practically eliminated. As the result of a vigorous and persistent campaign the purity of the city's milk supply has been greatly improved. A separate board to deal with health and sanitation problems has been created and because of its personnel the betterment of health conditions may be predicted with confidence. Work on a new hospital is well under way and appropriations for its completion have been made. The design is that which is known as the cottage plan. When finished Cincinnati's new

MR. DEMING: *Mr. Chairman and Chairman of our Forty-two Hosts, Mr. Representative of the Mayor of the city, and Citizens of Cincinnati:* It has been very pleasing to listen to these words of greeting. You make us feel that we are really welcome in your city. But the thought that has impressed me as I listened to these words, and looked at this gathering, has been of another sort.

I have been trying to make a picture of what sort of a reception the National Municipal League would have been accorded if it had ventured to visit Cincinnati twenty—or shall we say thirty—
Now and Thirty Years Ago years ago? I am quite sure neither the chief magistrate of your city nor any representative of that high official, would have been here to welcome us. I rather doubt whether the majority of the forty-two organizations now engaged so hopefully and earnestly in various lines of civic endeavor would have been in existence; and the National Municipal League would not have been in existence. So I look upon this gathering and these words of greeting as significant as evidence of the enormous change that has taken place in these few years in the public attitude toward the importance of the city proper.

But in fact twenty or thirty years ago there were very many far-seeing and patriotic men who perceived clearly enough the dangers and the disgrace of the then civic conditions; but there was no wide-spread indignation, there was no general popular interest in the question. No, the National Municipal League would have been impossible in those times. There could not have been any greeting.

But fifteen years ago it became possible to organize the National Municipal League, and within those fifteen years we have witnessed a change in the public attitude toward municipal questions and a growth of interest in the problems of municipal government; not merely a growth of interest, but a growth of knowledge of the underlying principles upon which successful government must be based, with an enormous growth of determination on the part of the people to apply those principals. And the National Municipal League, speaking through me to-night to you of this audience and to our hosts, wishes to emphasize the great hopefulness that we all of us should have on account of this enormous progress of popular interest, and the fact that the long list of achievements that have been accomplished here in Ohio and in Cincinnati has been duplicated in many another state, and in many another city during the same period.

The National Municipal League The National Municipal League does not attempt to elect anybody to office. It does not advocate the election of any particular persons to office. It does not seek from any one who is elected to office the appointment of members of the National Municipal League.

In these respects it may not be a genuine political organization according to such definitions as you are accustomed to make in Ohio and in

Cincinnati; but I would not have you to suppose for that reason that it is not a militant organization. Its methods are these: It first ascertains and assembles the facts; then it analyzes the facts; then it draws conclusions; then it recommends, not a treatment of symptoms but a removal of the causes of the evils. And because it has followed these methods it has great confidence in the soundness of its conclusions; and because whereby its principles have been applied the results have been excellent, it has great confidence in the recommendations that it makes.

Starting fifteen years ago, and then numbering only two or three score, we now have members in every state of the Union and an affiliated membership—by which I mean organizations engaged in civic betterment—with a membership of over one hundred and fifty thousand.

Ladies and gentlemen, municipal misrule in the United States is doomed within the lifetime of many here present. Even San Francisco, Philadelphia, New York—and shall I say it—Cincinnati?—will be well governed. [Applause.]

I thank you again for your cordial greeting, but I thank you more on behalf of the National Municipal League for the sympathy that your presence gives to our work; and we ask your co-operation in making that work effective. [Applause.]

VICE-PRES. FISHER: On behalf of the American Civic Association, Mr. Clinton Rogers Woodruff, of Philadelphia, its First Vice-President, will now respond to the welcome that has been extended to us.

MR. WOODRUFF: *Mr. Chairman, and Mr. Pendleton, as representing our Hosts:* It is with a peculiar sense of appreciation that I arise to thank you, our hosts of Cincinnati, in behalf of the American Civic Association.

Although an official of the National Municipal League, since its organization I have also been an official of the American Civic Association since its foundation five years ago, and I was an official also of two of the societies, the merging of which formed the American Civic Association, and I have found it difficult, as I did to-day when asked by one of your local reporters, to say in which association I was the more interested and to define accurately my exact ratio of interest in each. So I feel that with entire sincerity and with very deep interest in both organizations I can say "thank you" to our Cincinnati hosts on behalf of the American Civic Association.

I often wish, Mr. Chairman, that we had a little more formalism, if I may so put it, in our meetings and that we made a part of our regular annual proceedings the recitation of the creeds, if I may call them such, of these two organizations. I think it would be a fine thing if to-night we might read together the object of the American Civic Association, which to many of us who have been at work in its ranks for years

**American Civic
Association**

may appear an old story; but so are the creeds which we recite from week to week in our religious services, but which nevertheless bring home to us ever new truth, ever deeper and deeper appreciation of the fundamental purposes that we have in view.

The constitution of the American Civic Association states its objects to be "The cultivation of higher ideals of civic life and beauty in America, the promotion of city, town and neighborhood improvement, the preservation and development of landscape, and the advancement of outdoor art."

How very inclusive are these objects; how great these purposes. As a recent writer has said, local pride and local interest are the foundations on which national pride and national faith and national hope are imperishably upheld and enthroned. It is well to begin at the beginning; and as the home and the family are the primary factors from which the nation is evolved, so one's home and place are the primary factors which in their ultimate stage constitute national sentiment.

The American Civic Association stands for the cultivation of that pride and interest in the home, and through the home, through the locality, in the nation of which we are proud to be a component part. And so it is natural that we find a comity of interest with the American Civic Association running through the simple questions concerning the preservation of artistic home surroundings to the great national—yes, I may say international—promotion of the conservation of the great natural resources of our country, and the conservation of those resources which are of the widest import, including among other things the conservation of our life, of our vitality, and above all sound public sentiment.

One difficulty one finds in responding to the addresses of welcome on behalf of an organization like the American Civic Association is that its purposes are so broad, its activities so numerous, that it is well nigh impossible to do them justice in the limited time which the necessities of the occasion impose. But I say, thank you, very heartily, on behalf of the American Civic Association to our admirable hosts.

There was a word which our distinguished Chairman, Mr. Pendleton said which I would like to emphasize just for a moment before sitting down; and that is the influence of the city upon our national life and upon the life of the people who live within our nation. I do not think that the American Civic Association maintains that the whole problem has to do alone with the question of environment, but it is claiming, and it is working along the plan, that life can be made happier and more worth living if the surroundings are made better; and so the American Civic Association has no apologies to offer for working for improved surroundings, realizing full well that you cannot perhaps impose good character upon the individual, but you can make the development of good character easier if you have good wholesome surroundings.

I have just finished a book of very delightful tales of Italian life. It tells about an American who was thrown among some Italian people who

were low and degraded by reason of the adverse conditions that surrounded them on every side, and for whom there seemed to be no hope. The good padre of the community said to the American that he did not believe even the Holy Virgin Herself could help those people; but the American set to work to clean up the smoke and grime and give those people an opportunity to live a decent, wholesome life, and remove them from the dreadful pressure of the physical disadvantages to which they had been subjected. And within a short time there

Improved began to be heard songs in the community, something
Surroundings that had not been heard before. They began to take an interest in outside things. They began to be better citizens. That would furnish a concrete illustration of what the American Civic Association is trying to do in every village and city community of this land, to give to the people an opportunity to live decent, wholesome lives, and to become better citizens.

When Mr. Pendleton called attention to our forty-two hosts, I was reminded of the fact that the names of these forty-two hosts, which take up several pages of the cover of this program, spell in mosaic the word "welcome" to those of us of the National Municipal League and the American Civic Association.

God grant that as a result of our stay with you that a new mosaic may be arranged that shall spell for these forty-two organizations "civic progress" in the city of Cincinnati. [Applause.]

VICE-PRES. FISHER: Ever since the American Civic Association was formed it has had but one pilot at the wheel. We are to have the pleasure this evening of listening to the President of that Association, J. Horace McFarland, who will address you on "The Intimate Side of Conservation."¹

VICE-PRES. FISHER: I am afraid that Mr. McFarland will have to be put down as one of those lawless individuals. I do not know whether in Cincinnati you read the productions of Hashimaruri Togo. If you do you know that Togo says that a lawless individual is the man who can tell the difference between right and wrong without hiring a lawyer.

By that I do not wish to cast any reflection on the distinguished President of the National Municipal League; for while he has been a lawyer, and has been a leader of the American bar in an official position, he has during many years manifested his interest in other affairs; and it is as a municipal reformer that he appears this evening, not as a lawyer. He has been President of the National Municipal League for so many years my memory ceases to run—I do not know whether that is as long as Mr.

¹ Mr. McFarland's address will be published by the American Civic Association.

McFarland has been President of the American Civic Association, or not; but to my mind one of the great services which Mr. Bonaparte has rendered to this country and his fellow citizens has been the continued interest which he has shown in a distinct personal and practical way in the problems of municipal reform.

I now have the pleasure of introducing to you a gentleman who really needs no introduction, Mr. Bonaparte. [Applause.]

For Mr. Bonaparte's annual address on "The Initiative in the Choice of Elective Municipal Officers" see the Appendix.

The joint session then adjourned.

TUESDAY MORNING SESSION.

TUESDAY, NOVEMBER 16, 1909.

The first separate session of the League was held on Tuesday morning, in the assembly hall of Hotel Sinton, President Bonaparte in the chair.

PRESIDENT BONAPARTE: Ladies and gentlemen, the first business at this session of the National Municipal League is to hear a report on "The American Municipal Situation," from our Secretary, Mr. Clinton Rogers Woodruff. Anything that Mr. Woodruff does not know on the American municipal situation had better remain unknown. [Applause.]

MR. WOODRUFF: *Mr. President:* I want to establish a precedent for keeping within the time prescribed. It is understood that the various papers are not to take over twenty minutes. If I were to read my paper in its entirety it would require very many twenty minutes, because the American municipal situation can not, nowadays, be aptly or concisely described within a few pages. So, the most that I shall do to-day will be to read some illustrative excerpts from the address, with a view to giving a general idea of the situation.

For the full paper on "The American Municipal Situation" see Appendix.

PRES. BONAPARTE: I am quite sure that all present regret that the necessity of making room for the other papers has obliged the secretary to somewhat curtail the fair symmetry of his; but as the entire review will be published in the annual volume of proceedings; and as the cost of the annual volume of proceedings is moderate, there will be no excuse in this year of prosperity for every one present not obtaining a copy.

We will now hear a paper on "Municipal Health Problems and the General Public," by Mr. M. N. Baker, of Montclair, N. J., (for which see Appendix).

PRES. BONAPARTE: The next paper on our program is entitled "From

Village to City," and is intended, if I rightly understand it, to explain the progressive development and improvement in the municipal administration of Grand Rapids, Mich., which is in some respects typical, and in some others exceptional.

This paper will be read by Mr. John Ihlder, who, as Secretary of the Committee on Municipal Affairs of the Board of Trade of that town, has had a large part in the work of which he will give you the results.

MR. IHLDER: When Mr. Woodruff asked me to prepare this paper, I had to select a title without taking much thought, and the title that first suggested itself to my mind was the one given in the program. Grand Rapids is one of the smaller cities. It has about 120,000 population, and has grown to that figure comparatively recently. It is not so very long ago since it was not much more than a village. It is

From Village to City not on the main lines of travel and has therefore kept village characteristics probably a little longer than it would if it had been situated on a main line of railway.

But as I began to work out the paper I thought that the original title selected was perhaps not the best one, and so I changed it to "The Development of Civic Spirit." I may also state that the Municipal Affairs Committee of the Board of Trade do not aim to be reformers but to be performers.

For Mr. Ihlder's paper see the Appendix.

PRES. BONAPARTE: You will, of course, consider that these meetings of the National Municipal League are in the nature of revival meetings, such as Mr. Ihlder has described, and that the results following therefrom will be more perceptible in the future than in the present.

We will now hear a report on "Municipal Publications" by Mr. William B. Howland, N. Y., the publisher of *The Outlook*. [Applause.]

MR. HOWLAND: This report is really a very brief one which I submitted to the Executive Committee as the chairman of a committee appointed to consider the question whether the League should establish for itself a medium of communication among its members, and for the general dissemination of the sort of education for which the League stands, or whether it should postpone the publication of such a periodical.

The committee has held two meetings, both of them well attended, and both of them marked by very vigorous differences of opinion. There were, broadly speaking, two views held by members of the committee; one, that it was due to the work for which the League stands that a periodical should be issued, not less than once a quarter and probably once a month, of a really impressive and dignified style, aided by the very best experts in their various lines, and in presenting in a strong way the general work of the League and treating the objects for which the

League is organized. The other view of it was that that of course would cost a good deal of money, and that it was impossible to undertake that at once unless something in the form of a subsidy, or contribution, or guarantee, should be in some way provided; therefore the need being well defined and urgent, a small beginning should be made, not quite small, but small enough so that the League with its present funds could undertake it without subsidy, or contribution, or general guarantee.

Municipal Publications

On the whole, the committee decided that it would be wiser not to make a specific recommendation at this time, but that we offer merely a report of progress, and practically refer the matter back to the League itself.

In connection with our work we present a list of periodical publications, which has been prepared by the Secretary of the National Municipal League, with his usual painstaking care.

MUNICIPAL PERIODICAL PUBLICATIONS.

Representing Organizations of Municipal Officials.

The City Hall, Des Moines, Iowa.

Canadian Municipal Journal, Montreal.

Proceedings of state leagues of municipalities.

Pennsylvania.

Ohio (*discontinued*).

Indiana.

Michigan.

Georgia.

Mississippi.

The Municipality, Madison, Wis.

Midland Municipalities, Marshalltown, Iowa.

Pacific Municipality, San Francisco.

Municipal World, St. Thomas, Ontario.

PUBLICATIONS ISSUED BY CITIES.

City Record, Boston.

The City Record, New York.

Philadelphia.

Progressive Houston.

Denver Municipal Facts.

The Municipal Record, San Francisco.

Proposed municipal bulletins:

Providence.

Indianapolis.

Des Moines.

St. Louis.

Winnipeg.

Toronto.

GENERAL PUBLICATIONS.

National Municipal League, clipping sheets.
American Civic Association, clipping sheets and bulletins.
Bureau of Municipal Research, New York, various publications.
The American City, 93 Nassau Street, New York.
The Christian City, 150 Fifth Avenue, New York.
Municipal Journal and Engineer, New York.
Municipal Economist, Chicago.
Municipal Engineering, Indianapolis.
Engineering News, New York.
Engineering Record.
Good Roads Magazine, New York.
Park and Cemetery, Chicago.
Contract Record.
The California Weekly.
The Townsman, Caxton Building, Cleveland.
Sanitary News, Chicago.
The Village, New York.
The Outlook, New York.
The Survey, New York.
The Public, Chicago.
The Annals of the American Academy of Political and Social Science
Good Government, New York.
National Civic Federation bulletins.
American Political Science Review, Baltimore.
Government, Boston.
Chief, New York.
Police Chief, New York.
Fireman's Herald, New York.
Fireman's Standard, Boston.
Western Fireman, Chicago.
Municipal Affairs, New York (1897-1902).
City Government, New York (1897-1900).
City and State, Philadelphia (1897-1902).
Construction, Pittsburgh (1905-6).
Public Improvements, New York (1899-1903).
American Journal of Politics (American Magazine of Civics, New York)
(discontinued).
The Municipality and County, Buffalo, New York (discontinued).

MUNICIPAL PUBLIC SERVICE PUBLICATIONS.

Street Railway Journal.
Fire and Water Engineering, New York.
Power, Boston.
Square Deal, New York.

Public Service Journal, Chicago.
 Street Railway Review, Chicago.
 Public Policy, Chicago (1900-1905).
 Municipal and Railway Record, New York (1899-1900).
 Concerning Municipal Ownership, New York (discontinued).

PUBLICATIONS ISSUED BY CIVIC BODIES.

City Affairs, Boston.
 Civic League Bulletin, Newport, R. I.
 Municipal Art Society of Hartford, bulletins.
 Municipal Art Society of New York, bulletins.
 Citizens' Union, New York, Bulletins.
 Bulletins of City Club of New York.
 Woman's Municipal League Bulletin, New York.
 Washington Square Association Bulletin, New York.
 Civic Union, Brooklyn, Bulletins.
 The Albany Citizen, Albany.
 City Club Bulletins, Philadelphia.
 Civic Club of Philadelphia.
 Roland Park Review, Baltimore.
 Washington Civic Center, bulletins.
 The Citizens' Bulletin, Cincinnati.
 Citizens' Association of Chicago, Bulletins.
 The Suburbanite, Seattle, Washington.
 The Oregon City, Portland, Oregon.
 Municipal Affairs, Los Angeles (Succeeded by The Pacific Outlook).
 Civic News, Detroit (1905 to 1907).

TAXPAYERS' PUBLICATIONS.

Municipal Facts, 50 Pine Street, New York.
 Taxpayers' Magazine, New York.
 Taxpayers' News, Broadway and 41st Street, New York.
 Taxpayers' Hamilton County Review, Cincinnati.

PUBLICATIONS ISSUED BY COMMERCIAL BODIES.

Portland (Me.) Board of Trade Monthly.
 Boston Chamber of Commerce Bulletin.
 Worcester Magazine, Worcester, Mass.
 Providence Board of Trade Monthly.
 Merchants' Association (New York) Bulletin.
 New York Chamber of Commerce Bulletin.
 Brooklyn League, Year Book.
 Municipal Record and Advertiser, New York.
 Commerce, Rochester.

Progress, Atlanta.

Greater Dayton.

Chicago Commerce (Chicago Association of Commerce).

Grand Rapids Board of Trade Bulletin.

Merchants Association, Milwaukee, Bulletin.

Texas Commercial Secretaries Bulletin.

The Merchant Association's Review, San Francisco.

CANADIAN PUBLICATIONS.

Canadian Municipal Journal (see above).

Municipal Gazette, Montreal.

Municipal Bulletin of the Ontario Bureau of Industries, Toronto.

Canadian Contract Record, Toronto.

Western Municipal News, Winnipeg.

FOREIGN PUBLICATIONS.

Municipal Journal, London.

Council Journal, London.

County and Municipal Record, London.

Tramway and Railway World, London.

Local Government Journal, London.

The Journal of Gas Lighting, London.

London Municipal Notes, London.

Municipal Record and Sanitary Journal, Glasgow.

Les Annales Municipales, Paris.

Bulletin Municipal Officiel de la Ville de Paris, Paris.

La Chronique Municipale, Paris.

L'Ecole des Communes, Paris.

L'Journal des Communes, Paris.

L'Journal Municipal, Paris.

Annals des Sciences Politiques, Paris.

Le Municipal, Paris.

La Municipalite Francaise, Paris.

Revue Municipale, Paris.

Revue Pratique d'Hygiene Municipale Urbaine et Rurale, Paris.

La Vigie Municipale, Paris.

L'Art Publique, Brussels, Belgium.

Schweizerisches Zentralblatt fur Staaten, Berlin.

Gesundheits-Ingenierin, Munich.

Der Staedtebau, Berlin, Germany.

Zeitschrift fur Transportwesen und strassenbau, Berlin.

Staedtebaulische Vortrage, Berlin.

Archiv fur Stadt Kunde, Stuttgart.

Archiv fur Socialwissenschaft und Socialpolitik, Tuingen.

Gemeinde-Verwaltung, Zurich, Switzerland.

Boletin del Ayuntamiento de Madrid.

Boletin Municipal de Barcelona; Administracion, legislacion y estadística, Barcelona.

Revista Municipal de Santiago de Cuba, Havana.

ANNUALS.

Proceedings of the National Municipal League.

Municipal Engineers of the City of New York Proceedings.

The Municipal Year Book, New York (1902).

Municipal Year Book, London.

Annual Review of the Commerce, Manufactures and the Public and Private Improvements of Chicago.

Shaw's Local Government Manual and Directory for Unions, Urban and Rural District Councils, County Councils, Metropolitan Boroughs, London.

Argus Municipal Guide. A Poll Book and Year Book Combined, London.

Brooklyn League Year Book.

An examination of this bibliography, would justify the claim that numerically there are certainly periodicals enough. The list is interesting as an exhibit to any one interested in all that relates to municipal reform and its development, and is a most encouraging document.

Of course, if the League can in some way be made a means of inter-communication between the various publications and the various organizations which they represent, either by a periodical publication or by so adapting its printed bulletins or issues of various sorts to this form of inter-communication, it would be fulfilling a highly useful function; and your committee hopes that steps to that end may be in time taken, and perhaps be taken at once.

THE SECRETARY: I should like to supplement what Mr. Howland said in regard to the number of periodicals referred to in the list submitted. The total is 149. That includes about 34 foreign publications of various types, and 7 or 8 Canadian publications, leaving somewhat over 100 periodicals in this country that are dealing with municipal problems in some form or another, and not including a very large number of publications issued by boards of trade, chambers of commerce and other business bodies dealing to an increasing extent with municipal questions.

PRES. BONAPARTE: The next paper which is to be submitted to you is the Report of the Associated Harvard Clubs on School Administration, which will be presented by Mr. A. Julius Freiberg, of this city. [Applause.]

government by the various colleges and universities of the United States.

Instruction in Municipal Government The results of this enquiry were published in the last volume of the League's Proceedings. For the year 1908-1909 the work of the Committee has been mainly that of taking up, with the authorities of those colleges which do not provide such instruction, the question whether they might not advantageously add at least one course in municipal government to their curriculum of studies in political science. There is reason to believe that the report of the committee's investigation and its subsequent action in drawing the attention of various college authorities to the matter of special instruction in municipal science have had some favorable results. A considerable number of institutions reported, either to the secretary of the League or to the chairman of the committee that courses devoting special attention to the field of municipal government had been established.

The Committee on Instruction, in consultation with the Executive Committee of the League chose as the subject for the Baldwin prize competition in 1909-1910 the topic: "City Government by Commission," and an announcement was issued giving an outline of the way in which this subject might be advantageously dealt with by competitors. It is the opinion of the Committee that the widest latitude, both as to scope and method, should be given contestants in this competition; but as every teacher of political science knows, the average undergraduate needs a certain amount of guidance in order to make good use of his opportunities, and it has seemed desirable to provide for him a general outline which he may follow if he so desires.

In connection with this competition the Committee has from time to time received requests for a bibliography of material relating to the subject assigned for competition, and it was felt that, for the present year at least, the plan of having a short list of materials prepared and placed at the disposal of competitors might be a profitable experiment. Dr. Ford H. Macgregor of the Municipal Reference Bureau, Madison, Wisconsin, has been asked to prepare this list. In view of the wide interest in the system of city government by commission this bibliography will undoubtedly have a demand from many who are not directly concerned with the Baldwin prize.

Baldwin Prize The Baldwin prize competition has brought forth each year a dozen or more essays, some of them extremely meritorious. Yet the Committee on Instruction feels that more essays would be submitted if the terms of the competition were more widely known and if teachers of political science were to take an interest in laying the matter before their students. It is the practice in most college courses to require from each student a thesis embodying the results of his special investigation into some assigned topic. Some teachers have been sufficiently interested in the Baldwin prize competition

to accept from their students, in lieu of this regular thesis requirement, any essay which a student might prepare and submit as a contestant for the prize. This practice has seemed to work out so favorably in institutions where it has been given a trial that the Committee felt justified in issuing a circular letter to college teachers in which the general adoption of the plan was suggested. It is hoped that the competition in 1909-1910 will be considerably increased.

There seem to be three matters which might engage the attending of the Committee on Instruction during the coming year. One is the preparation of a syllabus which might be used by teachers of municipal government in planning their courses, particularly by those teachers in the smaller colleges who have not had special training in this field of political science. This syllabus should not be too rigid in character and should be so arranged that it would allow teachers considerable latitude in adapting it to their special tastes and aims. It ought to contain, in order to be of high service, an outline of a course of lectures, lists of required and optional readings, and suggestions as to suitable topics for special study. Other branches of political science have such aids at their disposal and have found them very serviceable.

The Committee ought, in the second place, to consider and report to the League upon the possibility of having Professor Brooks's admirable *Bibliography of Municipal Problems and City Conditions* revised and brought down to date. This work was printed in 1901 and in its time did much to smooth the paths of both teachers and students. But the intervening eight years have added greatly to the literature of the subject and this considerable mass of data has not been arranged in any single bibliographical compilation. It is possible that, under the League's auspices, an arrangement with Professor Brooks might be made such as would permit a republication of the *Bibliography* in revised and extended form.

A third important matter, which directly concerns every teacher of municipal government, is the present lack of a periodical publication devoting its pages to the field of municipal administration. When *Municipal Affairs* ceased to appear some half dozen years ago its loss was distinctly felt, and the gap which it left has never been properly filled. There is a conspicuous need for a regular publication which should serve as the official organ of the League and at the same time form an authoritative journal of municipal science.

These and other like matters might well engage the attention of the committee on Instruction in co-operation with the League's executive committee. They form a substantial legacy of opportunities which the present committee finds it necessary to bequeath to its successor.

Cambridge, Mass., November 10, 1909.

MR. CHARLES H. INGERSOLL: I desire to bring before the open meeting a resolution on the subject of Mr. Howland's report on "Municipal Publications." It is perhaps in order for me to say that I have favored some start at a publication which would be a means of communication between the League's members, and might develop other very important features. I therefore present this resolution:

Resolved, That the Secretary be hereby authorized to issue the matter heretofore contained in the so-called "Clipping Sheets" in the form of a sheet with a caption to be selected by him.

Resolution *Resolved*, That it is the sense of this meeting that the League should, if circumstances and finances will permit, issue a periodical, monthly if necessary, weekly if possible, and that the sheet herein authorized is designed to be the beginning of this important work.

Resolved, That as the organ of the League this periodical shall be the medium of communication between League members, shall convey to municipalities the news of all progressive municipal movements and shall aim eventually to be a model for and aid to the establishment of local municipal papers.

I think that my resolutions are comprehensive of my ideas. I do not know whether this subject is now open for discussion, but my object is if it were open for discussion, to hear from the lay members of the League. I have something to say later if there is to be discussion.

PRES. BONAPARTE: You have heard the resolution. The Chair will be happy to hear from any one present who desires to speak on the subject.

MR. GEORGE BURNHAM, JR., *Philadelphia, Pa.*: I should like to ask to what extent the resolution is mandatory or would involve the league in additional expense? As the treasurer of the league it is a matter of a great deal of interest to me.

THE SECRETARY: The resolution reads, "that it is the sense of this meeting that the League should, if circumstances and finances will permit, etc."

MR. BURNHAM: That seems to cover the ground. I simply wanted to say that we would have to be very careful about involving ourselves in expense; but if it is practically submitted to the judgment of the Executive Committee, as I suppose it is, why, I should think that would be quite safe.

PRES. BONAPARTE: The resolution divides itself into two parts. The first is rather a matter of minor importance in itself; namely, the suggestion or direction that the Secretary publish what he now publishes in the form of clippings in the shape of a sort of bulletin. The second part is a very much more important matter, that this bulletin thus to be

published shall be regarded as the nucleus of a prospective periodical, to be published as soon as circumstances and finances permit, on behalf of the League. While the time when it will be published is somewhat uncertain and nebulous, especially owing to the financial qualification, nevertheless there is a rather important question of policy involved in it which certainly should be carefully considered. It has occurred to me that possibly Mr. Ingersoll would himself like, or that the idea may commend itself to the meeting, that this should be referred to the Executive Committee with instructions to report upon it at another meeting of the league, or with directions to give effect to it if they approve.

MR. INGERSOLL: I believe the subject has already been considered by a special committee, also by the Executive Committee; and it was my purpose to have it discussed if possible in the opening meeting and by the lay members of the League, and, so to speak, settled here if we can—to make a referendum matter of it, in other words.

MR. HORACE E. DEMING, *New York*: I think that there is no desire to discuss. I have been awaiting discussion, and the fact that nobody does discuss it indicates to my mind that the resolution is an inapt one for an open meeting of the League, since I do not think the League would last very long if its Executive Committee were instructed in so nebulous a manner with regard to questions of policy on subjects of great importance. Unless there be some discussion which brings out the fact that among the audience who are favoring us by their presence, there is a very strong desire and also some specific method by which this can be carried on, I think a reference of it to the Executive Committee, with or without power, would be the wise thing.

PRES. BONAPARTE: The Chair understands that Mr. Deming moves a reference of the resolution to the Executive Committee, with power to act on it.

MR. DEMING: With power. Unless there be some further suggestion or motion made.

The motion was seconded.

MR. E. J. WARD, *Rochester, N. Y.*: I wish to speak of this idea of a publication from the point of view of our particularly large constituency in the city of Rochester, N. Y., where we now have a community paper having as its object the development of a more intelligent public spirit through the community. It has succeeded very well, and in some other parts of the city the project is being discussed of getting out neighborhood editions of that paper, or neighborhood papers, using

one half of the copy that appears in that paper, that is the part that relates to the whole city, and then devoting the other half to matters of local neighborhood interest. In the conference on the proposition of getting out these three or four, half a dozen, or twenty neighborhood papers combined, with one city editorial office, the question has come up of how to get "boiler-plate."

It seems to me that such a publication as this of the League's would furnish not only inspiration to such movements as that in Rochester, but would also furnish the possibility of boiler-plate for a local town which would bring to them news of civic matters from outside through a medium that is not biased by commercial or any other interests. I simply want to say that from another point of view the establishment of such a paper as this with the possibilities that it would give, would be an inspiration, and at the same time it would be immensely helpful.

MR. IHLDER: It seems to me that such a publication as this would be of a great deal of interest. When we propose a new thing one of the best arguments we can employ is that other cities are adopting it. Men are imitative. They hesitate to go ahead and take the lead. Very often even if you convince them that the thing is worth doing, they will be doubtful, but if you can show them that it is being done in other cities that will help a great deal.

MR. MAYO FESLER, *Secretary, Civic League, St. Louis*: I wish to enter an earnest protest against the publication of a small paper, on two grounds: first, that the annual publication of the League is a very dignified publication, and second, that the League itself is a dignified body; and that a small sheet would be undignified. I did not rise to discuss this question before, for the reason that the resolution itself was so indefinite and left it so entirely to the Executive Committee that it seemed that nothing particular would come of the resolution if adopted.

Here is an organization which has been in existence for many years and is recognized throughout the country as the leading organization in the particular work which it is attempting to accomplish. It is recognized by the press and the public as a body whose advice and suggestions are worth following. Now if we get out a little bit of a pamphlet under the heading of the National Municipal League, we will lose weight, the League will lose some of the dignity which it has maintained. The only way that this organization can properly accomplish the work that it is intended to accomplish is to get out a large, attractive, dignified publication; one which will contain in it articles from experts along all these lines.

Mr. Ihlder has raised a point which is most vital to the institution, we like to know what is being done in other cities. If the National Municipal League stands for anything, it ought to stand as an authority on

municipal information for all the cities in the country. There is no way in which we can get at that better than by having a dignified publication supplied with articles from men who are experts in their various lines.

At the time that this committee was considering the question I suggested that something be done along practical lines followed by the Geographical Society in its publication at Washington. It makes the publication so attractive that it materially increases the membership in the organization. There are hosts of people all over the country who if they saw tangible results from the \$5.00 membership fee paid would gladly become members of the National Municipal League.

**Use of Clipping
Sheets** MR. CARL DEHONEY, *Secretary Mercantile Club, Kansas City, Kans.:* I would like to say that I do not quite agree with the views just expressed. In Kansas City, Kansas, we have derived a whole lot of good out of the "Clipping Sheets" which Mr. Woodruff sends us periodically. We have made arrangements with the daily newspapers, under which they run a daily department of municipal progress in which they use these bulletins from the League and the American Civic Association, and in that way reach thousands of people every day, whereas there might not be in our community more than four or five copies of the league's annual volume. I read these clipping sheets, and I do turn them over to the newspapers. I think they are accomplishing a very fine work in interesting our business men in the work of this organization; whereas it would be very hard to get them to read the larger volume.

MR. FREIBERG: I for one do not think that we should throw cold water upon any method that might be adopted for giving publicity to municipal facts. We have had here in Cincinnati for about six or seven years a little paper called "The Citizens' Bulletin," which was started by Mr. Pendleton. That paper has grown from a small leaflet of four pages to a very respectable sort of a paper of sixteen pages. We encountered in times gone by a great deal of difficulty in finding material to fill the weekly issue, and because of that difficulty, and the necessity for searching the files of the Associated Press and the papers of the larger cities, together with the information that we have always received from Mr. Woodruff, has developed a kind of editorial proficiency which we otherwise might not have arrived at.

MR. ERNEST S. BRADFORD, *Washington, D. C.:* The advantage of this motion that has just been made is in its very indefiniteness. It leaves to the committee the whole matter of whether we should abandon the system of clipping sheets, which are at present so useful and go into the new plan, or whether we should continue with the old. I can see no objection, Mr. Chairman, to putting this matter to a vote. The only value

I see in this discussion is in getting the consensus of opinion of those who are here.

PRES. BONAPARTE: The Chair will say that that will be substantially the effect of Mr. Deming's motion and of the resolution if so referred. The resolution itself is mandatory so far as the modification of the clipping sheets is concerned. The Chair will be very happy to hear any further debate on this subject.

MR. INGERSOLL: I move the previous question.

PRES. BONAPARTE: The motion before the house is that of Mr. Deming, which is that the resolution offered by Mr. Ingersoll should be referred to the Executive Committee, with power in its discretion to take the action suggested in it. I hope that the meeting understands the question before it, which is whether this resolution shall be referred to the Executive Committee with power to take the action recommended in the resolution. Those in favor of so referring it will signify by saying aye; contrary, no. According to the sound the ayes have it. The ayes have it, the motion is carried, and the resolution is so referred.

The Conference then took a recess until 2.30 p. m.

TUESDAY AFTERNOON SESSION.

TUESDAY, NOVEMBER 16, 1909, 2.30 P. M.

The second session of the Conference was called to order by President Bonaparte.

PRESIDENT BONAPARTE: I now have the pleasure of introducing to you A. Leo Weil, Esq., of Pittsburg, who will speak on the subject of graft prosecutions. [Applause.]

Mr. Weil's paper — "Crusades against Graft" is printed in full in the Appendix.

PRES. BONAPARTE: We will pass to the next order, it being understood that both papers are to be discussed later. The second paper on the program for this afternoon, is entitled, "Instruction in Civics in Elementary and High Schools," which will be presented by Prof. James J. Sheppard, of New York, Principal of the High School of Commerce, and Chairman of the Committee.

For Prof. Sheppard's paper "Instruction in Civics in Elementary and High Schools a Report of the Committee on Instruction in Elementary and High Schools," see the Appendix.

The Secretary then presented the discussion of Dr. Michael M. Davis, Jr., of the Peoples' Institute of New York. [See Appendix.]

PRES. BONAPARTE: There is really more connection between the two subjects than might readily appear. The one relates to the prevention of graft, the other, to its cure when preventive measures have in a measure failed. Certain gentlemen, however, have kindly promised to take part in this discussion, and if they have so far persevered in their good intention as to be present when they are needed, it is but right that they should first of all exhibit their public spirit, for the admiration and imitation of those who shall follow. Will Prof. Davis kindly give his views upon the question?

PROF. JESSE B. DAVIS, *Principal of the High School, Grand Rapids, Mich.*: It happens that some five years ago I served on your former committee which reported on this subject, so I am in rather a peculiar position to-day. But I do wish to take this opportunity of congratulating the present committee upon the progress that has been made along practical lines. Five years ago the committee upon which I served was somewhat dominated by university men, although we did bring the suggestion for a course of study on municipal government down so far as the senior year in the high school.

I shall speak almost entirely from the point of view of the high school, as I do not pretend to know much about the rest of it; but I feel that the progress that has been made by the committee in their admirable out-

Instruction in High Schools line is along practical lines. I do not feel that I am wholly converted to the idea of putting this subject into the first year of the high school, although it may reach thereby a larger number. Arguments have been presented pro and con. We simply have to be convinced individually. Nevertheless, we secondary school men are in rather a difficult position, from the fact that in most of our high schools we require sixteen units for graduation, and fifteen of these units are determined by our universities and colleges in their entrance requirements. I do not see how we can get many of these things, as desirable as they may seem, until we are able to declare our independence of the domination of the institution above us. [Applause.]

We have been told, it seems to me long enough, that the preparation for college is the best preparation for life. We must now declare that the best preparation for life is the best preparation for college. [Applause.]

One point mentioned by Mr. Sheppard in the latter part of his paper was in regard to the teacher. I feel that we are handicapped perhaps more in this respect than in almost any other, namely, to obtain teachers who not only have the information but the spirit, that missionary spirit which is essential to the teaching of this subject as it must be taught, if it is to be effectual in its results. To this end we must educate our school boards and our citizens up to the point of paying more than \$600 a year for the men who are to do this valuable service. [Applause.]

It seems to me that, as outlined in our program here, "the primary aim of this course is not knowledge, it is not even discipline," but the aim we have before us is "the production of good citizens. Good citizenship does not come as a by-product of education, unless consciously striven for in schools."

It is to that end that I would make a few suggestions. Those of us who have been teaching civics, perhaps for a good many years, have

Good Citizens taught long enough to see some of the actual results
the End of our work. I have felt at times that I was doing successful work when I found some of my former

students in active political life striving for the good things that I had been preaching to them; but I have also lived to see some of our students who learned how some of these things were done in public life, possibly in my classes, turn out to be scheming, corrupt politicians.

Good citizenship, like morality, is not a subject to be taught as one would teach mathematics. It is not a matter of mere intelligence, a matter of mere information. It is something that must be lived. Our boys and girls must learn the habit of good citizenship before they go out into the world, or they are going to fall short, and bring shame to our teaching.

Let me review a little bit of the history of the social life of our high schools throughout the country. Only a few years ago in our conventions we were agitating the matter of the control of athletics; and I might say, along the lines of the remark of President Bonaparte that in uncontrolled athletics we were fostering a school for graft; our boys were learning how to play games unfairly. They were playing boys who were not eligible. They were striving to win by hook or by crook. It made no difference so long as the team won. We have now brought athletics under control to a certain extent, although they are far from being perfect as yet. . We are struggling now with the fraternity problem in our high schools throughout the country.

Again, due to lack of control and lack of supervision, some of us school men have tried to throw the social life of the school, or the responsibility of it rather, back upon the parents, where it would seem, perhaps logically, that it belongs; but we know perfectly well that the parents will not assume this responsibility.

The responsibility for the moral training of boys and
Responsibility for girls is being thrust upon the school, and we can no
Moral Training longer avoid this problem, but must open our doors and take it in, and do the best that we can. This calls for united effort upon the part of the schoolmen throughout the country to organize the social life of our schools along the right lines.

I have been working on this problem for some twelve years. In the organization of a large school—I say "large school" because they seem to dominate, the small schools obey the large ones—in schools of 1000,

2,000 or 3,000 pupils, the problem seems to be pressing for us to take hold of it scientifically and organize it thoroughly if we are to develop the right kind of citizens. We have in our school an association made up of all the teachers and all the pupils in the school. This association is governed by the Students' Council, which is a representative body of the teachers; and to every organization and class using the name of the school that council is the policy-determining body. It has certain movements to look after along the lines of law and order in the schools. Among other points it determines the making of awards; and in that respect we have done away with the exaltation of the athlete. He stands no higher than the man who has won excellence along some other line. We make awards covering four grades, the athletic, the arts, academic, and social. All organizations in the school come under those four headings. There is an advisory council made up of two teachers and three students from each organization chosen by the pupils themselves.

Our aim in this sort of a plan is to do away with the artificial aristocracy of the fraternity system. In many places fraternities have been abolished by law, and in some places, as in our school, they are being crowded out, there is no room for them any longer. We teach that the only aristocracy that should be recognized is that of personal worth and merit.

In this plan we have an opportunity for developing the qualities of good citizenship, not only the right kind of democratic spirit which the merit system applies, but it gives an opportunity for the boy and the girl to develop personal efficiency. You and I know of many of our own friends and classmates who went through school and through college as splendid students, but who went out into the world knowing nothing about how to apply their own powers or abilities. While they had ideas that perhaps were right in some respects, they did not know how to work in groups, and so they became obstructionists, people standing in our way in reform movements, which call for not merely intelligence, but the ability to work with others. We can through right organization of our schools develop business ability among the students. The boy who manages, under proper instruction, an athletic team for a year, or who handles the business end of the publication of a school paper, is gaining far more business practice and experience than he could get from any formal course in the curriculum.

If there is any one thing that we need in this day and generation for the promotion of municipal welfare, it seems to me we need social engineers. If it is right for us to teach manual training in the schools to promote industrial efficiency, if it is right for us to teach domestic science and to prepare our girls for the home, it seems to me that there is just as great a demand upon us to-day to have social science practically taught in our public school system.

Social Engineers

I also believe that it is by this means that we can best teach the right

kind of religion and morality, and that we can prepare our boys and girls for that social efficiency and that patriotic citizenship for which we are striving. [Applause.]

PRES. BONAPARTE: Will Prof. Chadsey address us upon this interesting subject?

PROF. C. E. CHADSEY, *Superintendent of Public Schools, Denver, Colo.*: I remember a conversation which I had with one of our Colorado club-women, quite a prominent woman,—a political leader and speaker. We had been listening to some speeches made by men. She turned to me and said, "Why is it that you men always begin your speeches with an apology? I have noticed for years that while women commence their speeches to the point, nearly every man has to spend a few minutes of the valuable time of his audience by apologizing for not doing better than he expects to do." Since then I have tried very hard to avoid doing this, but I find myself to-day feeling regret that I was not the first speaker to discuss the report, instead of being the second one, because a number of points which I had expected to speak upon have already been touched more effectively by Mr. Davis than I could hope to present them.

I come to you from a western city, a city of course fundamentally smaller and less complex in its details than New York City. I ask myself how far these suggestions are of prime importance to us in our work out there in our attempts to turn loose upon the world young men and young women fitted to take a proper place in the life of a political community.

Of course I can find no fault with the course as outlined. These subjects are all of great importance. They all should be touched upon at some time and at some place. That municipal government is of infinitely greater importance as a study in the high schools and in the elementary schools than the study of national government I am free to admit, but I feel, as did Mr. Davis, that it is going to be very hard to find a place to do this kind of work in the way indicated in our high schools under present conditions.

We are engaged in just the same struggle in Colorado that you are in this part of the country. I find it impossible to do the things in the high school that we wish we could do, because we have to spend the time in doing something else, or else run the risk of having our high schools disgraced.

Crowded High School Courses

That almost all these things are taught in our schools I believe to be true; not that we reach every detail of the question; but practically the great municipal problems are discussed in our schools freely and fully, and our pupils leave the schools with some knowledge as to these general problems, and with an intelligent grasp of what municipal government is in our part of the country. The average high

and dishonesty of public officials. He remarked that he knew a certain man, naming him, who had a certain minor position in the city at a salary of \$1,200 a year, and who boasted that he was

**Depressing
Surroundings**

able to save from \$5,000 to \$10,000 a year upon his salary; and this boy said in commenting upon that, "I am just as bright and just as keen as that man is, and when I go out in the world I am going to make just as much money as he does." And I understand that he has since done it, and in the same way.

It is hard to overcome the influence of such an example. Because of this some have doubted the wisdom in our public school discussions touching upon the subject of graft in public life. Your president just said we were at liberty to discuss both these questions. Now in a town of 200,000 inhabitants most of the boys know personally the individuals who are mentioned in the public press the oftenest in a condemnatory fashion. There are some individuals however with whom an intimate familiarity with corruption brings about a desire to overcome that corruption.

I repeat that I think that at any rate in our western cities our high school boys and girls leave school very well equipped on the technical side, and that their actions as young citizens will be determined more by the standards which their community has than by anything which the school itself can hope to do. [Applause.]

PRES. BONAPARTE: I suggested at the commencement of this discussion that the two topics could be very well considered together. It is not improbable that it may have occurred to some of those present that such a process as Mr. Weil described in his paper, the practical results of which were to put where they would be the least comfortable and least harmful, some rather prominent members of the community, is in itself of very high educational value and is something that can be studied with great advantage by all pupils in the schools and by the high school pupils who are learning their duties of citizenship practically.

Is Professor Dunn present, and if so will he kindly come forward?

PROF. ARTHUR W. DUNN, *In Charge Department of Civics, Indianapolis Public Schools, Indianapolis, Ind.*: It was my pleasure a few days ago to visit the New York City High School of Commerce and see some of the work that is being done there such as Dr. Sheppard described to us this afternoon. I feel like saying that in spite of his excellent description or outline of the work they are doing, it seems to be impossible to appreciate that work without having seen it. I was particularly interested as the result of my visit there to discover how nearly Dr. Sheppard's work in that school lined up with our work in the Indianapolis high school with reference to instruction in civics. The outlines in the two places are very similar; but he has the advantage of us in that he has in his high school

at least been working at this for several years, whereas we in Indianapolis are just beginning, so that the details in our city have not been worked out as fully as they have been in New York. I could add very little, if anything, to what he and the others have said with reference to civics in high schools.

What I may say this afternoon shall be chiefly from the point of view of civics in the elementary schools. I believe in civics all along the line. There must be civics in the high school; there must be civics in the lower grades; there must be, it seems to me, a more definite and systematic course of civic training in the last year or two in the grammar schools.

Civics in Elementary Schools

I should like, first of all, to say that I wish to approach this whole subject from the standpoint of civic betterment. I sometimes feel that the men and women who are engaged in civic betterment and civic reform through various organizations in the community outside of the school have a feeling that the work in civics in the schools is something probably to be tolerated, that classes in civics in the schools are where the children should learn what these people outside are doing. If there is any such idea it is entirely wrong. My point is that any successful program of civic betterment must take into account systematic training for citizenship in the schools. In other words, the work of civic training in the schools must be a factor in the great problem of civic advancement.

Civic progress, or social progress, if you please, is a process that is brought about by two factors. One of these we find in the environment; the other in the individual citizen himself. As those outside of the schools, in the civic and other organizations, are working practically upon environment, so those in the schools are working practically upon the individuals, and these two factors are bound to react, one upon the other.

A recent author, speaking of the factors in the training for citizenship, mentions the heritage of civic ideals, civic customs and civic traditions. He

A Civic Heritage

speaks of this heritage as one of the factors in the training of citizens. In other words, the child is bound to learn outside of the school as well as in. We must, if we expect to train the child for citizenship, look to the forces outside of the school as well as in the school. On the other hand, if we expect this heritage to be perpetuated, and to be developed and improved, we must look to the training of the citizen in the school, in order that he may come into the heritage and perpetuate it and work it out to a higher development.

We should have the closest co-operation between the civic bodies of the community and the schools themselves; and that is one of the things that we are emphasizing in Indianapolis. I believe that this is an experience that is worth referring to, the fact that in Indianapolis the Commercial Club particularly, as well as other commercial and civic

bodies is working hand in glove with the children from the schools, or with the school system, in the work of civic education. The children are being trained to co-operate with commercial bodies and to participate in the affairs of importance in the community life.

Now the cultivation of citizenship begins early for good, or for bad. It is a mistake to think that the cultivation for citizenship is necessarily a conscious process which we may or may not undertake. The cultivation of citizens is going on constantly not only in the school, but in the home and on the street. It begins very early. It is necessary, therefore, it seems to me to direct conscious effort to this process of the cultivation of citizens at a very early stage of life, and I think this is the chief function of the public school. Whether we institute a formal course in civics, or civil government, or not, the chief function of the public school is the training of youth for citizenship; and by citizenship I do not mean merely political citizenship, but that broader citizenship that will qualify our youth to become efficient members of the community.

Efficiency in community life is the true test of citizenship; and that efficiency while it is expressed, or may be expressed, in political life, may be expressed and is expressed much more generally and equally effectively in business life, in life on the street, in life in the neighborhood, in life in the home; and it is this broad efficiency in community life that we in the public schools should hold ourselves responsible for.

Again, when we speak of the community, what do we mean? This term is elastic. We may mean the great national community; we may

What is Meant mean the local community; we may mean our immediate neighborhood. It is a broadly inclusive term.

by Community The point that I would emphasize here is, however, that there are greater local demands upon citizenship, than there are demands coming from the nation. When viewed from the standpoint of patriotism, as a matter of national patriotism, if the need arose there would be no lack of citizens who would be ready to lay down their lives for the welfare of the nation. But in our local affairs how many are willing to sacrifice themselves in the least for the advancement of the local community? We need to give greater attention to local citizenship and local patriotism at the present time and in our present stage of development, than we need to give to national citizenship or national patriotism; and this is peculiarly the work of the public school. The whole course of study, and the very life of the school, life in the playground, life in the corridors, life in the lunch-room, the entire life of the school, as well as the entire school curriculum, must contribute its part to the training for good citizenship. This means that there is necessary some more systematic development of the ideas and principles of citizenship. What shall this course be?

It goes without saying, of course, that good citizenship does not consist in a mere knowledge of constitutions, charters, and laws. Neither

interpretation of the facts which the child is studying in his own actual life. Then we will have a real live subject that is full of interest.

Another point. We must study from the standpoint of the child himself. The interests of the child are the interests of the community. It is worth while for the child to find out that he has in himself the combined interests and activities of every institution of the community, whether it be large or small.

We must start out then with these interests and activities of the child himself. We must get away from the notion that we are training the child to be a citizen in the future. We must start out with the idea that the child is now a citizen. It is a mistake to think that the child is *going to be* a citizen, because he is a citizen now. He is a citizen, perhaps, with simple relations to the community life, and what we are doing is to take this individual with these simple relations to life and extend these relations throughout the community life as he proceeds. The very act of going to school is an act of good citizenship, although the child may not know it. Most children think they are in school for the purpose of training themselves to go out and get a job. That is not the idea at all. The public school system of this country is supported for the purpose of training citizens. It is an investment with the expectation of a return in the form of efficient service on the part of the child. Thus the child should learn at the very outset that he is going to school because the community expects that by doing that very thing he is learning to become a better citizen and qualifying himself to perform civic service.

You may think I am leaving out what you always consider the main part of a course of civics, that is the idea of government; but such is not the fact. In a course in civics a child is to deal with governmental relations and with the machinery of government, the activities of government to a certain extent; but the thing I contend for is that we are to study these things in their proper perspective, that we hold them up not as an object to be studied separately from the child's life, but that we teach the machinery of government from the standpoint of the child himself. What the course ought to do is to start out with the child and show him that certain things will preserve his health and life, and that certain other things are going to do him harm; that we have need for sweeping the streets and for public cleanliness; that we have a government that is looking after the health of the child. Approach it in this way, and his interest is aroused in the subject.

One thing more on this point. In regard to the tests of effectiveness of our work in instruction in civics, I do not believe that the effectiveness of our civics work is the amount of information that the child acquires in regard to the constitution or mechanism of government, but it will evidence itself in the life of the child almost immediately. It will show in the life of the school. I took particular pains last spring to obtain testimony bearing on this and I found it universally to be the case

Graft in the public service is due simply to a lack of loyalty to the common good. The public school with its constant teaching of patriotism, is the greatest institution that we have for the development of that loyalty. The problem is to find a means by which the loyalty for which the school stands may be carried into the public service. The use of the public school buildings in the evenings by the adults of the communities, especially by men, as meeting places for the development of intelligent public spirit through the open presentation and free discussion of public questions,—as places where public servants may come to learn the will of the people and to give account of their stewardship, seems to furnish such a means.

**The School as
Civic Centers**

The principle upon which this idea must be worked out if it is to be effective must be that of the union of all sorts of people upon a common ground. Not only must there be no religious, political or social cleavage in this use of the school buildings, but there must be no division between "good" and "bad" people, and even the grafter must be taken as a man.

Lincoln Steffens says that the best thing that he knows about graft is that the grafter is human, and my experience justifies the position that the grafter may be approached with more hope of converting him and making him a good and useful citizen if he is met with an open friendly hand than if he is met with a fist.

If organizations of all sorts of people, just as people, are formed in every community to meet on common ground to discuss common problems, the pessimistic statement which Mr. Weil made that the old town-meeting idea can no longer be realized will be found untrue.

Such organizations are feasible. In the city of Rochester two years ago one of the public school buildings was opened as a social center.

**Rochester's
Experience**

Within a month, in addition to the clubs of young men, and women, and girls, a Men's Civic Club was formed. Its object was the development of intelligent public spirit and its method, free discussion. The first officers of the club included a well-to-do professional man, a labor leader, a millionaire banker and a printer. There were in the club men of every party and faith and point of view, but all came to be united in the common bond of interest in the public welfare. Before the end of the season, in two other districts in the city the men of the neighborhoods came together and organized open, non-partisan clubs to meet in their school buildings with a similar aim. Within a year twelve of these adult organizations had been formed and to-day in every part of the city public school buildings are being used in the evenings as places for gatherings exactly in the spirit of the old town-meeting.

What is the result? At one of the first meetings of the first civic club organized, the alderman of the ward, a Republican, addressed the club on "The Duties of an Alderman." At the close of the discussion

PRES. BONAPARTE: Possibly Mr. Weil may want to say something in reply to the sentiments expressed by Mr. Ward as to the advantages of approaching the grafter "with an open hand"!

MR. WEIL: Unfortunately the grafter has been approached too often with an open hand—and something in it. There is one suggestion and one only that has occurred to me with reference to this discussion. We heard in the first place some words upon the subject of the punishment of graft, its detection and repression when found. We then heard from our professors and teachers a calmly considered scientific discussion of the methods by which civics can be taught to those in the public schools, and how they can be instructed in their municipal duties. We also heard some suggestions that notwithstanding that instruction, notwithstanding the imparting to the young in the schools information with reference to the operation of our government and the manner in which they become interested therein, that it was not always effective; because a considerable number, notwithstanding that information and instruction, were found on the wrong side at the critical time. We then heard, following the usual course, the somewhat hysterical sentiment of the social workers who propose to cure all the ills of citizenship by that spirit of equality

Antagonism of Standards which will make one man the equal of another; and yet notwithstanding this entire discussion we are met with a situation—a condition; and that condition is, that the youth who is instructed as to civics and civic ideals is met in the home and in the city with another ideal and another situation which is counter to, antagonistic to, and in opposition to the very things that he has been taught in the schools. He has been instructed as to righteousness on the one hand and on the other hand the dishonesty of the methods pursued in our municipal governments; and notwithstanding the fact that he has been taught these things by the teachers whom he respects, he finds in the community the men who are doing these things, the men who are doing the very things openly as was declared, from morning to night, he finds these men the leaders in the community, these very men respected in the community, if you please—these very men held up as the respectable men of the neighborhood. In the face of that can you teach the child that those things are wrong, when his parents and the associates of his parents, and the community generally, give the lie to that teaching?

Will someone suggest a means or method by which instruction can be given not to the child only, but instruction, and punishment as well, to the man who has offended. Both are necessary. If that instruction could be given to the community generally, and the community generally accepted it, it would remove the necessity for this opposition and this fight which is being continually waged because of the variance between the instruction of the schools and the action of the people.

or district meetings, many of the things which are not known will be exposed. By coming together at the school houses and talking matters over, the citizens would know something about what is going on. They would know who the district officers were.

The idea was spoken of in Cincinnati some six months ago, and the school board has to some extent granted permission for meetings of that kind. I think it is a step in the right direction. Whose rooms are they? Why should the people be prevented from holding public meetings in school rooms? Officials might complain that they would begin to talk about the selection of school board members; but there is no reason in the world why they should not talk about it right there. We must increase the exchange of opinion. I hope that that idea still will prevail. [Applause.]

MR. WARD: I would like to speak in line with what has just been said. I was asked by the editor of Collier's Weekly to make inquiry here if it was the universal custom, or was universally legal for politics and every other question to be permitted to be discussed in the school buildings. I wrote back and told him so far as I knew it was not allowed in any other city. After the idea had been established in our city we found that there was not only no danger of any abuse of it, but that there was an immense benefit in the acquaintance fostered by it and in the development of fraternity and community spirit. We found, however, every time that we held political discussions, or free discussions, in the public school buildings in which the matter of civics was introduced that we were breaking a state law according to the interpretation of the State Superintendent of Education. I went immediately to the corporation council of the city of Rochester, and I said, "How is this? I did not know there was a state law against this. These men have been getting together to discuss matters in the school buildings, and the movement has grown until there are half a dozen of them in the town, and the idea has been firmly established that anything can be talked about in the school buildings. Now when they attempt to do the same thing in other towns it appears that the Superintendent of Education has found that it is against the law. What shall we do?" The corporation council said, "It will make a very interesting case; you go right ahead, and if the State of New York wants to sue the city of Rochester for permitting discussions in its public school buildings, I will take up the fight."

So far as I know, and I have inquired of men of wide observation and learning, the limitation of discussion is not upon politics in general, but in Buffalo, New York, there is a limitation upon the discussion of the acts of the common council. I understand that there is some such limitation as that, which of course, spoils the whole thing, because unless there is a full and free discussion, unless all men can be placed on a level, I do

Mr. Gaynor, the Tammany candidate, made two speeches, in one of which he said that he would "wink both eyes on Sunday"; in the other he said that "he did not believe in a man being arrested for a little thing like tapping his neighbor on the head." That is a direct appeal to lawlessness. It was made for the purpose of influencing the foreign-born. We came out, of course, in opposition to that. Mr. Hearst in his newspapers came out in violent opposition to that, and said that that was not personal liberty but it was license, and the foreign-born stayed by him instead of being attracted by the brutal appeal.

We put an estimable Hebrew gentleman, a good lawyer, on our ticket. We put several of them on in different places. Their vote did not vary. They were all successful, but so were their Christian colleagues; and their vote, out of a total which ran up into the hundred thousands, did not vary more than 1000 or 1500 in any extent.

PRES. BONAPARTE: We have all listened, I think with great interest, to our friend Mr. Bennett. I will very briefly supplement what he has said by two or three words on the lessons of the recent election in my own State and city as it was influenced by the vote of the foreign born citizens, especially of those comparatively recently naturalized.

I suppose that even the affairs of so comparatively an unimportant place as Baltimore, or Maryland, do percolate as far as Cincinnati, to the extent of your having heard that we had there to deal with a proposed constitutional amendment, intended practically to disfranchise the colored citizens. Four years ago a similar attempt had been made, at which time it was also attempted to virtually disfranchise the naturalized citizens. That was defeated by a large majority. This time the same proposition was submitted, with the votes of the naturalized citizens in great part protected, so far as those naturalized themselves or their immediate descendants, were concerned.

Nevertheless, it was found that the foreign born citizens in Baltimore, and especially those lately naturalized, objected to disfranchising anybody,

Foreign-Born Voters in Maryland possibly thinking that if the party which proposed the disfranchisement of the negro and had also proposed their own disfranchisement four years ago, after it had in fact disfranchised the negro and thus gotten rid of part of the hostile vote, it would be their turn

next when an opportunity occurred, which would be the case in two years. In fact, that idea was suggested to them; and they appeared to have accepted the suggestion. They showed very clearly by their votes that they were not susceptible to the charge of being influenced by religious prejudice. They included a large number of Hebrews, for the most part Russians or Polish; and although there was a Hebrew candidate for judge on the ticket of each party, those two gentlemen were both defeated; and it seemed quite evident that in one of these cases at least the result was due to his having lost the votes of his co-religionists.

I have mentioned these facts because it is a very important question as to the future of our country whether the process of Americanization, the process of converting the alien into the bona-fide American was proceeding as rapidly and as thoroughly with the immigrants who now reach our shores as it did with those who came to us some generations back. I have seen and heard many pessimistic declarations on this question. A good many persons have said that while we could digest, so to speak, Germans, or English or the Irish, that when it came to converting into Americans, Poles and other Slavs, and Russians, and this great mass of Hebrew immigration, and the Italians who came in large numbers, we would find in a few years that our national character had been materially changed, and changed for the worst.

It would be a very wide generalization to say that this was true or false; but so far as we can judge I think everything tends to show that it is an error, that the apprehension is unfounded, and that the admirable assimilative processes of our orderly freedom are turning out Americans with as much facility as Dickens' sausage factory, which was capable of turning paving-stones into sausages. [Applause.]

I now have great pleasure in introducing to you a gentleman who has a great many things to answer for; and among others the fact that for several of the most important years of my life I was under his care. I present to you President Eliot, of Harvard, who will speak to you. [Applause.]

Ex-president Eliot was received with prolonged cheering, the assembly rising in his honor.¹

You have heard from President Eliot how important a part of the policy of conservation it is to promote and enforce the principles of "The Square Deal" among individuals. Undoubtedly the government which does that does something to advance not merely the moral, but the material welfare of the nation and which cannot be done by any captain of industry or generalissimo of finance, or by any man or body of men, except those who promote righteousness.

But there is another side to the policy of conservation. It is the duty of the government also to enforce a "Square Deal" toward the people of the United States, considered not merely as a sovereign but as a great land-owner owning an immense tract of the earth's surface which it holds as a trustee for the benefit not only of the men of to-day but of the un-numbered generations of men who will live in our land hereafter.

I doubt if every one present realizes what vast tracts of land have been taken away from the people of the United States as their owners by crooked deals.

Something was said by our friend Mr. McFarland yesterday of the

¹ Dr. Eliot's address on Conservation will be published by the American Civic Association.—EDITOR.

lawless man who knew right from wrong without having to ask a lawyer's opinion. There have been a great many men who have shown that whether they knew it or not they do not care about the difference between right and wrong, but who asked the opinions of lawyers as to how they might do wrong with impunity, and through these opinions the American people have been defrauded of an almost fantastic amount of property in the form of public lands.

We now ask you to listen to some words on the subject of the "Conservation of Public Lands," from one who has not indeed the responsibility of having been my preceptor, but who had the misfortune for some two years to have me as a colleague.

I present to you your own fellow-citizen, Hon. James R. Garfield. [Applause.]²

PRES. BONAPARTE: In order to promote that great form of conservation which consists in preserving the health of the individual citizen, this meeting will now adjourn, to enable those present to take the rest required after the intellectual exercise of the evening. [Applause.]

The joint session then adjourned.

WEDNESDAY MORNING SESSION.

WEDNESDAY, NOVEMBER 17, 1909.

The Conference met pursuant to adjournment, President Bonaparte in the chair.

PRES. BONAPARTE: The first business in order is the report of the Treasurer, Mr. George Burnham, Jr., Philadelphia.

MR. BURNHAM: The fiscal year of the League ended on the 31st of March last. I will present the payments for that period, and then a supplemental report bringing it down to date, or nearly so.

TREASURER'S ACCOUNT FOR THE YEAR ENDING MARCH 31, 1909.

RECEIPTS.

Membership dues	\$6,339.00
Contributions	2,713.55
Receipts from book sales	570.32
Bill receivable	73.00
Interest from bank	20.55
Interest on bill receivable	1.46
	<hr/>
	\$9,717.88

² Former Secretary Garfield's address is to be published by the American Civic Association.

FOR GOOD CITY GOVERNMENT

45

PAYMENTS.

Salaries and services	\$4,979.92	
Postage	1,529.92	
Printing and stationery	1,411.33	
Publication and mailing of Proceedings—Providence		
Conference	1,284.05	
Press Clippings	388.74	
Traveling expense	319.81	
Telegraph, telephone and messages.....	103.52	
Miscellaneous	242.78	
Furniture	133.62	
Harvard Fund	28.10	\$10,421.79
		<hr/>
Balance, excess of payments over receipts.....		\$ 703.91
Cash Balances:		
March 31, 1908	\$1,095.13	
March 31, 1909	391.22	
		<hr/>
Reduction in cash balance.....		\$ 703.91
		<hr/>

TREASURER'S SUPPLEMENTAL ACCOUNT, APRIL 1, 1909 to Nov. 9, 1909.

RECEIPTS.

Membership dues	\$5,036.20
Contributions	1,906.93
Receipts from book sales	679.06
Interest from bank	12.44
Salaries and services (repaid)	105.00
W. H. Baldwin Prize Fund.....	210.00
Advanced by Treasurer	250.00
	<hr/>
	\$8,199.63

PAYMENTS.

Salaries and services	\$3,488.00	
Postage	1,191.75	
Printing and stationery	912.40	
News Clipping Service	91.73	
Clipping sheet	165.81	
Traveling expense	212.17	
General Expense	390.01	
Book sales account	26.56	
Publication Proceedings	1,025.92	
Baldwin Prize	100.00	\$7,604.35
	<hr/>	<hr/>
Balance, excess of receipts over payments.....		\$ 595.28
		<hr/>

Cash Balances:

March 31, 1909	\$391.22
Nov. 9, 1909	986.50

Gain in cash balance	<u>\$ 595.28</u>
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PRES. BONAPARTE: You have heard the report of the Treasurer. Its substance is sufficiently given in the figures. What action will you take on the report?

THE SECRETARY: Mr. Chairman, the practice was established this year of referring the Treasurer's report to an expert accountant. On March 31st last, the report for the fiscal year then expiring was submitted to expert accountants, and their report certifying to its accuracy was presented to the Executive Committee. I would therefore move that the report be referred to the Executive Committee for such further consideration as may be deemed necessary.

The motion was seconded and opportunity for discussion given. No discussion offering, the motion was put and carried, and the report was so referred.

PRES. BONAPARTE: The next business in order is the report of the Executive Committee, to be presented by Mr. Horace E. Deming, New York, its Chairman. I believe Mr. Deming has been called away temporarily. The Secretary will present it on his behalf.

THE SECRETARY: At this time the Executive Committee usually makes what is really a report of progress. As I said a moment ago in connection with the Treasurer's Report, the fiscal year of the League ends March 31st of each year. That date is a historical date, as we formerly had our meetings in the Spring. Since we have been meeting with the American Civic Association, the annual meetings have been held in November, thus throwing them into the middle of the fiscal year. It has been the custom of the League on April 1st of each year, or as soon thereafter as possible, to send a formal report of the League's activities so far as the Executive Committee is concerned, to the members. I have here the report that was presented shortly after April 1st of this year.

The increase in membership since last October is as follows: There were 36 new members added in November, 10 in December, 1908, 31 in January of the present year, 15 in February, 66 in March, 52 in April, 35 in May, 16 in June, 9 in July and August, 11 in September, and 25 in October; the net increase for the year being 132, after eliminating resignations, and that rather small class, the delinquents.

The total membership as reported a year ago at the meeting held in

Pittsburgh was 1442, with 90 contributors, not members. This year the total membership is 1661, representing 1570 annual members and 91 contributors, not members.

The fact that we have been passing through a year of somewhat difficult circumstances financially so far as the general country is concerned has resulted in a number of resignations; but the gross addition to our membership was the largest of any single year in the history of the League.

There has been another increase which is encouraging and significant. There were a year ago affiliated with the National Municipal League 154 organizations. The organizations of course are of a shifting character. They come, and they go. Except so far as business bodies are concerned, local reform organizations have not yet achieved any very great permanency of organization. A year ago we had 154 such affiliated members, and their enrolled membership represented 146,000 people. This year our affiliated membership has increased to 181, and their enrolled membership is 181,096, which in a way may be considered as representing the constituency of the League throughout the country.

These are the two important items of membership. There are various phases of the activities supervised by the Executive Committee which are reported upon from time to time; for instance, the Executive Committee had supervision in a general way of the work of the committee reported upon yesterday by Prof. Sheppard in the matter of instruction in civics in the elementary and high schools, and of the work of instruction in municipal government in the colleges as reported by Prof. Munro.

There is one other item of business that I desire to report from the Executive Committee. At the meeting held Monday afternoon in this city it was decided to recommend that provision should be made for two additional vice-presidents, in order to give additional representation to the increasing interest in the work of the League. So on behalf of the Executive Committee I desire to present for the consideration of this annual meeting of the Board of Delegates the following resolution:

Resolved, That the by-laws of the National Municipal League be amended, and the same are hereby amended, so as to provide for seven vice-presidents, in place of the present provision for first, second, third, fourth and fifth vice-presidents.

We now have five vice-presidents, designated as first, second, third, fourth and fifth. This resolution if adopted will eliminate the notation of first, second, third, fourth and fifth, and provide for seven vice-presidents in place of five.

On behalf of the Executive Committee, I move the adoption of this resolution.

The motion was seconded.

PRES. BONAPARTE: You have heard the report of the Executive Com-

mittee. It does not seem to require any action of the League except with regard to the resolution presented by Mr. Woodruff, which provides for the amendment of our by-laws so that the invidious discriminations between the different vice-president shall be done away with, and they can all feel themselves enjoying an equality of eminence; and it also provides that two more vice-presidents shall be added, in order to assist us in the work of the League. Is any debate desired on the proposed amendment of the by-laws? If no such debate is desired, those in favor of adopting the proposed amendment will signify it in the usual manner; contrary, likewise.

So far as the Chair can see, the motion is carried unanimously and the amendment is adopted.

I have been informed that there was probably a desire on the part of some members of the League who heard my annual address on Monday evening, to discuss certain of the views expressed in it which they regarded as more or less heretical. It appeared to me that an eminently appropriate time for such discussion would be just before the receipt of the report of the Committee on Nominations, since the appointment and action of their committee was referred to as an illustration in the address of the necessity for making provision for a body of similar functions in municipal organizations. I learned from the Secretary, however, that it having been understood that I would expect to speak myself on the subject, it is now considered inopportune to have the discussion in question. [Laughter.] I do not of course mean that there is any connection of cause and effect between the ascertained circumstances I have mentioned and the desire, or the absence of desire to discuss the question. I shall be very happy to recognize any one who wishes to discuss the question mentioned, namely, the merits, demerits, and general significance or insignificance of the paper in question. [Pause.] If, however, there is no desire to discuss it we will pass that.

MR. ROBERT TREAT PAINE, JR., *Boston, Mass.*: I suppose there is no desire to discuss the question of the address of the President delivered last Monday night. It would seem to be rather an inappropriate time, in a certain sense, to do that. I doubt if any of us would like to pass judgment and say that in view of anything said in the address that our honored President is no longer worthy of being re-elected.

PRES. BONAPARTE: He will not refuse.

MR. PAINE: It seems to me that for the good of the League the question should be entirely changed from such a statement. Some of those who have known about the history of the League I think would approve of the proposition which I am going to suggest in the shape of a resolution that I am about to offer. If in place of the discussion of the address

of the President this resolution be held in order by the President, (unless he prefers that it be deferred until a later time), I will offer this resolution:

Resolved, That it is the sense of this meeting that the Executive Committee should, before the next annual meeting, consider whether a longer term of office, than one year, for the president; and some provision for a due change in the occupancy of said office, would not prove beneficial to the best welfare of the League.

PRES. BONAPARTE: You have heard the resolution of Mr. Paine. This resolution proposes to refer this question to the Executive Committee for consideration, and I suppose for report at the next annual meeting. Is any debate desired on the resolution? If no debate is desired, those in favor of this resolution—which I hope everybody understands refers, merely directs the Executive Committee to consider the question to which it refers and to make a report on it—all of those in favor of adopting the resolution will signify in the usual manner; contrary likewise. It is adopted, and will be referred to the Executive Committee for the action stated. The next business in order is the report of the Committee on Nominations.

Mr. William B. Howland, of New York, Chairman of the Committee on Nominations presented the report of the Committee, as follows:

OFFICERS.

President—CHARLES J. BONAPARTE, Baltimore, Md.

Vice-Presidents—* A. LAWRENCE LOWELL, Harvard University.

* GEORGE MCANENY, New York.

CHARLES RICHARDSON, Philadelphia.

GEORGE W. GUTHRIE, Pittsburgh.

WALTER L. FISHER, Chicago.

HENRY L. McCUNE, Kansas City, Mo.

THOMAS N. STRONG, Portland, Oregon.

Treasurer—GEORGE BURNHAM, JR., Bailey Bldg., Philadelphia.

Secretary—CLINTON ROGERS WOODRUFF, North American Bldg., Phila.

EXECUTIVE COMMITTEE.

HORACE E. DEMING, *Chairman*, 11 Williams St., New York City.

PROF. ALBERT B. HART, 19 Craigie St., Cambridge, Mass.

ROBERT TREAT PAINE, JR., 16 State St., Boston, Mass.

HARVEY STUART CHASE, 27 State St., Boston.

DUDLEY TIBBETS, 33 First St., Troy, N. Y.

WILLIAM G. LOW, 44 Cedar St., N. Y.

NORMAN HAPGOOD, Collier's Weekly, New York City.

* RICHARD S. CHILDS, 127 Duane St., New York City.

* EUGENE H. OUTERBRIDGE, 11 Broadway, New York.

* New members.

- * ROBERT S. BINKERD, 55 West 44th St., New York.
- * RAYMOND V. INGERSOLL, Brooklyn.
- FREDERICK ALMY, 19 Tupper St., Buffalo, N. Y.
- MERWIN K. HART, Utica, N. Y.
- CLARENCE L. HARPER, 715 Chestnut St., Philadelphia.
- THOMAS RAEBURN WHITE, West End Trust Bldg., Philadelphia.
- J. HORACE MCFARLAND, Harrisburg, Pa.
- OLIVER MCCLINTOCK, 545 Liberty St., Pittsburgh, Pa.
- H. D. W. ENGLISH, 341 Fourth Ave., Pittsburgh, Pa.
- CHARLES H. INGERSOLL, South Orange, N. J.
- M. N. BAKER, Montclair, N. J.
- WILLIAM P. BANCROFT, Rockford, Wilmington, Del.
- ELLIOTT HUNT PENDLETON, 519 Main St., Cincinnati, O.
- * CHARLES E. MERRIAM, University of Chicago.
- J. L. HUDSON, J. L. HUDSON & Co., Detroit, Mich.
- JOHN A. BUTLER, 230 Grand Ave., Milwaukee, Wis.
- HON. DAVID P. JONES, 113 S. 4th St., Minneapolis, Minn.
- DWIGHT F. DAVIS, 220 Security Bldg., St. Louis, Mo.
- FRANK N. HARTWELL, 12th & Maple St., Louisville, Ky.
- ERNEST C. KONTZ, Century Bldg., Atlanta, Ga.
- * G. A. GORDON, Savannah, Ga.
- * R. W. CHISHOLM, Colorado Springs, Colo.
- FRANK J. SYMMES, Redlands, Cal.
- * MEYER LISSNER, Los Angeles, Cal.

(Signed)

WILLIAM B. HOWLAND, New York, *Chairman*.
 CLARENCE L. HARPER, Philadelphia, Pa.
 ROBERT S. BINKERD, New York, N. Y.
 CHARLES H. INGERSOLL, South Orange, N. J.
 CAMILLUS G. KIDDER, Orange, N. J.

PRES. BONAPARTE: You have heard the report of the Committee on Nominations. Other nominations are now in order. If no further nominations are received, the matter now before the League is the election of officers for the next ensuing year. Regularly the election should be by ballot. It has been not infrequently the course of the League to adopt a motion directing some designated person to cast one ballot for the League.

MR. BURNHAM: I move that the report of the Nominating Committee be received and that the Secretary be instructed to cast a unanimous ballot for the election of the various nominees therein named.

The motion was seconded, stated by the Chair, and remarks invited.

No discussion offering, the question was taken, and the motion carried.

PRES. BONAPARTE: The Chair hears no negative vote. The motion is unanimously adopted.

of that building as his contribution, and he was sending his children to the school and bringing them up under our institutions. These foreigners under the leadership of this one man have formed a good government organization that has spread to neighboring townships. You may have heard something of it. He uses for its motto, "Put the circles on the square," the square being the township, and the circles being little group organizations. They have broken up the political ring in that township to-day by independent voting and nominations. There is not one man in office locally located in that township to-day who is under the thumb of either of the two old parties. As a result of this work in that township the movement has spread into another township which has been more corrupt although inhabited almost altogether by native Americans. At the last election the people in that other township took an inspiration from the work that had been done by the foreign Italian population, and cleaned up their township.

I thank Miss Abbott for telling us the way to do this work. There is just as much democracy in those people as we have, and we do not want to lose sight of the fact that they are human beings just like everybody else. I am the son of an immigrant from another part of Europe. The immigrants from the southern part have just as much ambition as the immigrants from the northern part. What we want is not less democracy but more democracy, as Miss Abbott said.

MR. I. M. WISE, *Cincinnati, O.*: I wish to thank Miss Abbott for her inspiring address which brought out a great fact in regard to the foreigners, emphasizing their independence. We have had **Independence of Foreigners** a very fine example of this during the last few years in Cincinnati. In this city we had an independent movement started for the purpose of electing a prosecutor, and we found after investigating the returns of the election that the victory was due almost entirely to the foreign vote. But we had another example some years ago when there was a movement to sell the Cincinnati Southern Railway. This measure was defeated by a small majority due entirely to the German citizens who usually show more independence than do the native citizens. I think that Miss Abbott brought this fact out, which is a very important one in the movement for civic righteousness in this country, and having done this, if she had done nothing else, her paper is of great value to us.

PRES. BONAPARTE: If no further discussion on this is desired, we will pass to the next paper on the program, which is on "The Police Problem in Cities;" it will be presented by Prof. Augustus Raymond Hatton, of Cleveland, Professor of Political Science in the Western Reserve University.

understood by them as applying to original appointments. I think, however, that the writer makes it clear enough.

MR. PLEYDELL: I take it we here assembled recognize that Mr. Woods has offered no remedy, only a suggestion to be thought over. Prof. Hatton said in his paper, or preceding his paper, that we have been building from the top downward in a great deal of our reform work and that we should begin to build from the bottom up. I think a great deal of our trouble comes from our treating the police force as a military organization, which it is not. Policemen are citizens first, and policemen second. They do not part with their rights as citizens in the same way that the enlisted soldiers do. I suggest that we apply to the police force the same principles of organization so far as they are possible of application as we do with a militia company. The men in an enlisted militia company choose their officers, and these officers choose the men above them. I do not say that the police should elect their officers, but I do think that the commissioner would receive a great many valuable suggestions if he could learn direct from the men as to who were fitted for promotion, and if there were not so many officials in between him and the men. The men on the force know each other. Unless you think that the men would try to build up a machine, I think that you will recognize that there is the same feeling that would exist among lawyers, even a shyster lawyer prefers to try his case before an honest judge; and even a dishonest policeman, unless he can be very well convinced that the dishonest man he suggested would be governed by principles of even-handed justice would prefer an honest superior to a dishonest one.

MR. ELLIOT H. GOODWIN, of New York, Secretary of the National Civil Service Reform League: Those of us who come from New York know the splendid work that Mr. Arthur Woods did, particularly in reorganizing the detective bureau. I have listened very closely to this paper, in the hope that he would offer some suggestions for improving the promotion system. After condemning the system of competition, he speaks only of the system of unlimited power of promotion in the commissioner, and says that under present conditions that will not work. I regard Mr. Woods' paper as a very strong endorsement of the competitive system as applied to promotion; when you come to think of it, and go back to conditions which prevailed before Mr. Woods came to New York, and his present endorsement of the examination part of it, it is a great step in advance.

In 1901, I was engaged in the investigation of the promotion of a captain in the police department of New York, under a so-called civil service system, which in fact left the entire power to the commissioners. We had a police board at that time composed half of democrats and half of republicans, and we found that the captains were selected in advance, and

they have within their power the enforcement of state laws, does not appeal to me. It is in violation of the cardinal principle, it seems to me, for which this organization contends, namely, home rule.

This question of police regulation and organization I believe is the most important one we have to deal with in our municipalities; and the proper and effective regulation of it is an absolute impossibility, in my judgment, because of the conditions that exist, and which cannot be removed at present. I am aware that this is not a very hopeful view; but

Unenforced Laws

so long as you have upon your statute books laws, which the community by its public sentiment generally understands are not to be enforced, laws against the social evil, for example, on an understanding implied by the public sentiment of the community and not only by the orders from the authorities, you have inherent in the whole situation the very virus that must poison the entire system. There is no subject so fruitful of corruption, of bribery, of graft, of everything that militates against an efficient police force. You have an element, and a large element, which exists on violation of law, known to be there, their presence absolutely disclosed, and usually listed in the offices of the police, and every member known to them; and yet they are there allowed to remain, and must remain with the present temper of the public morality of our respective communities, and the sentiment of the public upon the subject. Every policeman, therefore, every man upon the beat, every captain, and the men higher up, going from the top clear down to the bottom, have here an element upon which they can levy tribute, an element from which they will levy tribute, and an element upon which they have levied tribute in every city in the world, to-day and in the past. Now how are you going to have an honest and efficient police force, when you tolerate, when you permit to continue that condition of affairs? You say to your policemen, "You must be honest"; you tell that to those who are upon the beat, and to their superiors; and yet at the same time you put there before the policeman that which makes it absolutely impossible for him to be honest, and which compels a violation of his oath of office from the moment he takes the oath until he resigns from the force.

This is true not only with reference to that subject, but with reference to many minor laws that are passed in our respective communities, notably for example speed laws with reference to automobiles. One-half, you might say almost all the ordinances and laws of this character that are passed in our respective cities for the regulation of traffic and general conditions, it is understood are not to be strictly and absolutely enforced. Thereby you create in the minds of the police, you create in the minds of the community, which is a matter far more serious than the injury to the force itself, a disrespect for law; and after all the sole line of demarcation between civilization and barbarism is respect for the law, and as that respect for law decreases you approach closer and closer to barbarism.

gling, and he said it was not so necessary that a man should have some scholastic qualifications as that he should be able to shoot straight, in case it should be necessary and he got into trouble. And I think it was yourself who proposed that in regard to such competition as that if they fell short of other material they might shoot at each other, in which events the necessity of passing upon their papers would be entirely eliminated and the civil service commissioner would find no difficulty in disposing of the matter of promotion. But there are some places where promotions are of necessity based upon competitive written examinations; for instance, for appointments under the Commissioner of Patents. There of course knowledge of mechanics is demanded and technical qualifications of the very highest importance. In such a case a written examination will show which man is the best.

Promotions But with reference to promotions on the police force we cannot entirely rely on any such method of written examination.

You must consider that the primary object of civil service reform was to secure the best appointees, and no one claims that appointees under the civil service always make the best servants. The only thing that is certain is that it is a better system than any other that we know anything about. The main purpose was to keep out political influence.

Now then if political influence can be entirely kept out of the police force, and kept out of the top as well as the bottom, not merely the general force of the policemen but the commissioner himself, if we can prevent men being appointed to such places on account of any political qualifications that they have, I think we might almost say that we could leave promotion to the discretion of the commissioner afterwards. I would almost go so far as that.

I must say that I am not disposed to agree without further thinking about it with the suggestion that members of the police force should select their own captains and their own officers; but in the lower grades of the service I would like to see that tried and see how it would work out. It sometimes worked pretty well in the earlier days of the Civil War when the recruited men did choose their own captains.

With regard to a modification of the present regulations we should first be sure that we are going to get something better than we have. We will never get an ideal system of promotion. The thing to be considered in regard to changing any system is, what is the alternative? As much as I like the paper and agree with nearly everything in it, I was very sorry that there was no final conclusion. Everything that was proposed seemed impossible. So as Dooley says, "There you are!"

I think it would be extremely wise for the Governor to have a sort of veto power, and after charges preferred and after trial to remove the commission, and to remove the mayor too, if necessary. I think that suggestion is extremely valuable, and I hope it will be further considered.

the polls, and in one ward taking away bodily from as many as ten precincts all of the election paraphernalia, and making precincts of their own; taking the registration books and entering names alphabetically. In other precincts where it was necessary to carry their purpose armed men invaded the voting places and knocked over or shot at, or confused to the extent of making them seek places of safety the election officers of the precinct, and in all such ways carried the day. No man felt safe to go and cast his ballot under such conditions. That was in 1905. We con-

Louisville Conditions

tested that election in 1906 and some fourteen thousand pages of depositions were carried up to the Court of Appeals, having been turned down by our chancellors, and the Court of Appeals reversed the decision in the lower court, and threw out the election. In 1907 the people put into power the Republicans, with Mr. Grinstead as Mayor. He placed in power J. H. Hager as Chief of Police. Our mayor, the chief of police, and the police department and the fire department are under the control of what we call a board of safety, composed of three members appointed by the Mayor. These men were of the highest character of citizenship, men of ability; and from the very day that Hager was put into power he commenced reorganizing the force. That man took practically the same men that in 1905 had helped terrorize the town, and when he left, when we were turned down at this last election in November unfortunately, during those two years we had one of the best fire and police departments in the State. The policemen had been as nearly as possible removed from political domination, and all political assessments withdrawn. They were a self-respecting and law-abiding body of men in the community, and when they had occasion to parade the streets they made just as creditable a showing as any body of militia could have done.

I simply said this so as to simplify things. It seems to me that it is simply a matter of having the right man in authority over your police. Have an efficient chief of police, and the character of the police department will take care of itself.

PROF. JOHN A. FAIRLIE, *University of Illinois*: I wish to say just a word in support of one feature of Prof. Hatton's paper. I believe that a system of state inspection of local police is one of the most important of the proposed reforms that could be made in this country. I do not believe that that interferes in the slightest with any reasonable demands for local or municipal control. We have such a system of state supervision over very many other branches of local administration that has come to be accepted without any question whatever. We believe in a system of local school administration, and we have our local school boards, but we also have our state superintendent of public instruction.

State Inspection of Police

those cases difficulty arises with the police. I can conceive that it might perhaps be a source of relief to give the state government complete control of those things, complete power to remove officers who didn't do their duty, confining such power within necessary limitations; but is it not better perhaps to stir up such by education and by awakening in the community such a sentiment that the laws will be enforced? Now while I am on that subject, while I am using the word "enforced," I am reminded that Prof. Hatton complained to some extent, and I think very rightfully, of the continual throwing up before the people the idea that there are laws which cannot be enforced. I believe that the law can be enforced by the city authorities, but the difficulty is that they know that if they enforce the laws they will be immediately legislated out of office. That is the difficulty. So it seems to me we should try instead of getting away from the principle of home rule, to do everything we can to get nearer to it.

PROF. HATTON: The paper that I presented has quite subserved the purpose that I had in mind, which was to bring out some vigorous discussion upon this extremely interesting question. Owing to the manner in which I compressed my paper, and my not having presented it in full, I feared that it would lead to some misconceptions as to what I was after, and I think that has been evidenced in the discussion following.

It seems to me that the attitude toward the question of home rule which apparently has been taken by Mr. Weil—whom I respect very highly—and some others, is an absolutely improper conception of what home rule means. Home rule does not mean, and never has meant in my mind—if it did I could not accept it in its entirety—that a community has the right to govern itself in regard to all matters in absolutely any manner that it sees fit. I am pretty largely in agreement with some things that Mr. Weil said. I think he and I would come pretty close together upon the principle that the state legislatures are passing laws upon a wide variety of subjects which should be left to community action.

But to go to the extent that Mr. Weil would necessarily go in asking that a community should practically have the power to govern itself absolutely in regard to every subject, upon which there is a difference of opinion between itself and the state, simply means the breaking or splitting up of our government in general into a multitude of little warring factional communities. There is absolutely no other conclusion which can be reached if you carry that doctrine to its legitimate conclusion. The fact is that our states have the power to legislate upon a wide variety of subjects. It is not a question of whether they should legislate or not; they do legislate. The fact remains that state campaigns are made upon important issues, and that in this nation legislatures are elected upon those issues. Laws are passed by our state legislatures, ap-

Municipal Home Rule

parently with the expectation that when once passed they will be nullified by the communities; and I am therefore of the belief that much of this legislation should be left to the locality. Since that is true, and since I can have no hope myself that the state legislatures are going to pass laws upon any such question as the social evil, or the liquor question, etc., it seems to me that the only safe and sane position for us to take is this, that these laws are passed to be enforced, and that once passed they should be enforced; that in order that they be enforced power should be placed in the hands of the proper state official to enforce them.

Let me call attention to one other fact. It is absolutely essential that we simplify our city government so that it can be put squarely up to the mayor who appoints the police chief if he is not enforcing the laws on a particular question, that there is a widespread element in the state that believes that the law should be enforced, and that would elect mayors that will enforce the law.

The Conference now took recess until 2:30 p. m.

WEDNESDAY AFTERNOON SESSION.

WEDNESDAY, NOVEMBER 17, 1909, 2.30 P. M.

The fourth session of the conference met pursuant to adjournment, President Bonaparte in the chair.

PRESIDENT BONAPARTE: I have the pleasure of introducing Mr. Lawrence Veiller, of New York, Secretary of the Tenement House Committee, and former deputy Tenement House Commissioner, under Robert W. De Forest, whose paper deals with "The Essential Principles of a Building Code."

For Mr. Veiller's paper see the Appendix.

PRES. BONAPARTE: Mr. Richard Henry Dana, Cambridge, Mass., Chairman of the Council of the National Civil Service Reform League, will now read his paper on "Taking Municipal Contracts out of Politics."

For Mr. Dana's paper see the Appendix.

PRES. BONAPARTE: The next paper which will be submitted to you is on "Publicity and Regulation of Campaign Contributions," by Prof. Robert C. Brooks, of the University of Cincinnati.

DR. ROBERT C. BROOKS, *Professor Political Science, University of Cincinnati:* It seems out of the question to take any part of that twenty minutes which seems to the speaker so infinitesimally small, and to the audience sometimes, I am afraid, so excruciatingly long, for irrelevant remarks; but there is one irrelevant remark, at least as judged by the

subject of the paper, which I desire to take time to make; namely that it was a matter of very great pride to the University of Cincinnati that it was able to act as one of the hosts for the meeting in this city of the National Municipal League and the American Civic Association.

PRES. BONAPARTE: I highly appreciate the determination of Prof. Brooks to observe the limitation of time.

We are now to hear, ladies and gentlemen, a paper on "The Elimination of Party Designations in Municipal Elections," a matter of a great deal of practical importance in municipal politics. It will be presented by Mr. Robert Treat Paine, Jr., of Boston.

MR. PAINE, Boston, Mass.: The title is "The Elimination of *National* Party Designations from Municipal Ballots."

Mr. Paine's paper is printed in the Appendix.

PRES. BONAPARTE: *Ladies and Gentlemen:* We are next to hear an address on "The Vote on Boston's Referenda for One Hundred Years." The importance of the question of the general adoption or wide adoption of the referendum system justifies the careful examination of the facts as to its working in the past. This address is a contribution to that investigation, and will be submitted by Dr. Edward M. Hartwell, City Statistician of Boston.

Dr. Hartwell's address is printed in the Appendix.

PRES. BONAPARTE: There are still two papers on our program this afternoon, namely one on "The Operation of the Initiative and Referendum in Oregon," by Mr. Joseph N. Teal, of Portland, Ore.; the other on "The Operation of the Recall in Los Angeles," by Mr. Fielding J. Stilson, Member of the Board of Education at Los Angeles, Cal. These illuminating papers will not be read this afternoon, but will be printed in the Appendix.

The Conference then adjourned to 10 a. m., Thursday, November 18.

THURSDAY MORNING SESSION.

NOVEMBER 18, 1909, 10 A. M.

The fifth separate session of the conference was called to order with Hon. William Dudley Foulke, of Richmond, Indiana, in the Chair.

THE CHAIRMAN: I will call upon Mr. Woodruff to read the first paper, by Mr. Hoyt King, of Chicago, on "Chicago's Street Railway Settlement."

THE SECRETARY: Those of you who were at the Round Table on Tuesday will remember what Mr. Fisher had to say on the subject of franchises, and the paper that I am about to read gives some detailed

THE CHAIRMAN: We will next have the pleasure of listening to a paper upon the subject of "The Cleveland Street Railway Situation," which will be read by Mr. W. S. Hayden, President of the Council of Sociology, Cleveland, and Secretary of the Western Reserve Historical Society. [Applause.]

Mr. Hayden's paper is to be found in the Appendix.

THE CHAIRMAN: Before proceeding with the next paper I desire to recognize Mr. Bell, of Milwaukee, who has a resolution which he proposes to offer.

MR. JOSEPH MCC. BELL, *Secretary Voters League, Milwaukee, Wis.:*
The time is almost at hand when the fifteenth annual convention of the League and the third joint meeting of the League with the American Civic Association must take its place in the annals of both organizations as an important past event of pleasant and instructive memory—when the earnest men and women who have again come together for mutual profit (and incidentally for the pleasure of social contact) will disperse to their various homes renewed in vigor and fortified with strengthened ideals for carrying on the work in their chosen fields of civic labors, even though, and perhaps chiefly because, they may agree with the conviction expressed by Dr. Eliot yesterday at the close of a round-table discussion of militant political work, that the movement for municipal improvement is still in the formative stage—"the elementary stage" he said, as shown by the fact that so much purely palliative work was still to be done before we can enter upon an era of really constructive reform.

That the present meeting has been one of great helpfulness to the cause of better governed cities, (this idea carrying with it as Mr. Deming said at the banquet of last evening, almost everything in the nature of physical improvement and development) no one can doubt who has listened to the very practical reviews and suggestions contained in the papers and addresses presented in this hotel during the past three days; who has noted the thoughtful interest and comment of the citizens in general of Cincinnati in attendance upon these meetings; and who has

A Helpful Meeting

observed the intelligent press reports and comments of the daily proceedings.

There is not a city in the country, I take it, which, through delegates who have learned the reciprocal value of these meetings, and large numbers of other citizens who are beginning to realize this value, is not in at least a very receptive frame of mind with regard to the next convention, or perhaps the next or the next, hoping that some day before the work is all done in their localities, and nothing left to reform, the presence and inspiration of these two splendid organizations meeting within its gates may help to make easier the solution of civic problems still unsolved.

The selection of the next convention city is however wisely not decided at the general meeting, being left to the unhampered judgment of the executive committee, and I have observed that the selection by these gentlemen has always been most happy and appropriate. Who, for instance, could quarrel with the excellent selection for the present convention? What could have been more gratifying and satisfactory than the complete and careful arrangements made in this magnificent hotel and in this most interesting city of Cincinnati, for the comfort, convenience and entertainment of delegates by Mr. Pendleton and his committees, the clubs and organizations of the Queen City of Ohio.

From the comments I have heard freely bestowed by the visitors I can assure our hosts that all are alike convinced that the reputation of Cincinnati for tactful hospitality has not suffered but has rather been enhanced by its efforts on this memorable occasion.

In pursuance of these sentiments I would like to
Resolutions submit the following resolutions and move their adoption:

Resolved, That the National Municipal League in acknowledgment of the thoughtful and splendid hospitality accorded to it by the City of Cincinnati on the occasion of its fifteenth annual convention, extends its most appreciative thanks to the forty-two organizations and individual members thereof associated in perfecting the admirable arrangements for our comfort, convenience and entertainment, and especially to Mr. Elliott Hunt Pendleton, the indefatigable chairman of the executive committee. A very large part of the success of the convention has been due to our hosts and hostesses, because of the thoughtful care with which every detail of the entertainment was arranged; and from the very considerable attendance by the citizens of Cincinnati generally, upon the sessions of the convention, the League has derived great satisfaction and received a further earnest of the growing esteem in which its efforts are held by the public and of the increasing co-operation which it may expect in these efforts.

Resolved also, That acknowledgment is due and gratefully made to the various clubs which courteously extended the privileges of their homes to the delegates; to the management of the Hotel Sinton for the uniform excellence of its service; to the American Telephone and Telegraph Company for its generous offer of gratuitous long-distance service to delegates; and to the press of Cincinnati for its painstaking, extensive and intelligent reports of the proceedings and its appreciative editorial comment.

Resolved further, That these resolutions be spread upon the records of the League.

The question being taken on the adoption of the foregoing resolutions, they were carried unanimously, by a rising vote.

THE CHAIRMAN: We will next have the pleasure of listening to a paper

on a most important subject, that of "Municipal Budgets and Expenditures." I have the pleasure of introducing Hon. L. G. Powers, of the Bureau of the Census, Washington, D. C. [Applause.]

HON. L. G. POWERS, *Washington, D. C.*: I have had the honor of addressing the conventions of this body upon several occasions upon the subject of uniform accounts and reports. The logical outcome of the movement inaugurated by this League for uniform accounts and reports will never be realized until these are accompanied by uniform budgets. Hence the next logical proposition before this conference is that of uniform municipal budgets.

Dr. Powers' paper on "Municipal Budgets and Expenditures" is printed in the Appendix.

THE CHAIRMAN: This is indeed an important question, especially as it relates to what is being done in the District of Columbia. This will be better understood after you have heard the next paper, by Mr. Alonzo Tweedale, Auditor of the District of Columbia, and President of the National Association of Comptrollers and Accounting Officers.

For Mr. Tweedale's paper see the Appendix.

MR. HARVEY S. CHASE, *Boston, Mass.*: The Executive Committee at its meeting on Monday discussed a resolution pertaining to the question of recommending to Congress the passing of appropriations for the city of Washington on lines recommended by the Auditor and Commissioner of the District. For ten years we have been working in this National Municipal League to establish uniform schedules and reports from municipalities throughout the country, and the progress has been very rapid in the last few years, although very slow in the first period. The cumulative effect of all these years of effort is surprising, as shown by the way in which states and cities are coming into line. Now is the time for the establishment in Washington of what we have looked forward to for some years back. This seems to be the psychological moment when a model budget and an appropriation by-law, and all that pertains thereto, can be achieved. Therefore the Executive Committee recommends the adoption of the following resolutions, and in behalf of the Executive Committee I move their adoption, viz.:

Resolved, That the National Municipal League recommend the preparation by our cities of annual budgets which shall set forth (1) detailed estimates of all proposed expenditures, including those for meeting the cost of buildings and other permanent improvements, as well as those for meeting current expenses; (2) detailed estimates of all expected revenues, and the amount that must be realized from loans to meet, with the expected revenues, the estimated expenditures.

Resolved further, That in the preparation of budgets, all statements of

I feel sure but few American cities can have the same drastic social survey made and continue to point the finger of scorn at Pittsburgh. However, that is no answer nor does it condone our unrighteousness. The thing to do is just what Pittsburgh with her usual grit is doing, viz., going to work to better social conditions. A bond issue which includes the following items seems to be a partial answer:

New tuberculosis hospital.

New playgrounds.

Equipment for recreation centers in our parks.

Filtration for the North Side to complete the entire city.

New dry and wet garbage incineration plants.

New sewers with a view of an entire sewage disposal system later.

New Boulevard in the small homes or working men's residence section.

Removal of the hump and widening of streets to enable better street-car service.

The total expenditure is \$6,775,000. In addition the Pittsburgh Civic Commission were requested by the Mayor, through its Committee on Municipal Research and Efficiency, to supervise the expenditure.

That no mistakes may be made, the Commission has engaged three of the leading engineers of the country to lay out a program for these and other great improvements. Bion J. Arnold of Chicago, the great railroad (steam and traction) expert, John R. Freeman of Providence, R. I., the great hydraulic engineer and Frederick Law Olmstead of Boston, the noted landscape architect on streets and town planning. Their counsel and reports will be at the disposal of the city administration and the Civic Commission. The engineers are being paid from the funds of the Civic Commission.

You will be gratified to know that this answer of our people to the call of the survey for better conditions in addition to the program, which has been authorized by the Civic Commission through its fourteen standing Committees and one hundred leading citizens, has at last reached other cities, and the press has already changed its attitude from pointing the finger of scorn to that of praise, and calling on the citizens of their several cities to copy the program of this much abused Pittsburgh. And were it not for hurting the cause of civic betterment, I could give you the names of many of our leading American cities who have sent representatives to Pittsburgh to get at first hand the comprehensive program laid out and our method of ward organization for civic advance.

Believe me this is not written egotistically, but in deep humility. We have been scourged by many of the cities which will be represented in your convention. My advice is that they go home and begin with finding out how bad they are before they begin to build anew. Three good things will be thus accomplished. First: The proper sense of humility which comes from humiliated pride. Second: The presentation of real conditions, so that they can build anew with knowledge. Third: An awaken-

Municipal Government in the Boston University who will speak on this subject.

Mr. Shepard's address appears in the Appendix.

THE CHAIRMAN: The next paper is on "The Commission Form of Government to Date" by Dr. Ernest S. Bradford, Washington, D. C.

For Dr. Bradford's paper see the Appendix.

(Aside from his paper the speaker remarked that any one who has an idea that this is a "fad" will be convinced that there is something in it when he sees what great confidence the business men have in this commission plan in various cities in Texas, as can be ascertained by going there and talking with the citizens).

THE CHAIRMAN: The next paper is on the subject of "The Home Rule Law for Cities in Michigan." I have the pleasure of introducing Hon. Guy A. Miller, of Detroit, Member of the Michigan House of Representatives, who will read a paper on that subject. [Applause.]

HON. GUY A. MILLER, *Detroit, Mich.*: In listening to the papers read at this convention I realize that I have learned probably a great deal more than I can tell you. I have been struck chiefly by the fact that in Michigan we have had but very few of the evils to contend with that the cities in other parts of the country have. I might say that there are two cities in the state which are considering the question of adopting the commission form of government, namely, Kalamazoo and Port Huron.

Mr. Miller's paper is to be found in the Appendix.

THE CHAIRMAN: The final paper along this line will be upon the subject of "The Paine Law in Ohio," and will be delivered by Mr. John R. Schindel, of Cincinnati. [Applause.]

MR. SCHINDEL: The purpose of my paper is to describe chiefly the provisions of the Paine Law, under which on January 1st, next all the cities of Ohio will be governed; but as that law is not in itself a complete charter, in order to understand its provisions it will be necessary briefly to outline the law out of which it grew, and of which it is an amendment; and in doing that, to briefly state the condition which gave rise to its predecessor, the so-called Municipal Code of 1902.

Mr. Schindel's paper is printed in the Appendix.

THE CHAIRMAN: The reading of the papers is now concluded. If there is any discussion that is desired of the paper on the Boston Finance Commission by Mr. Shepard, we would be very glad to hear from any of the members present, in speeches of not over five minutes each.

MR. DEMING: I should like to ask Mr. Shepard if he is willing to give us a short statement, such as he is capable of doing, of the actual powers of municipalities in Massachusetts to grant franchises to public service corporations; and the reason I ask that is, because among the other glories of Massachusetts they claim there to have invented the indeterminate franchise, so called because it is terminable at the will of the people of the town through whose streets the cars run. I have a suspicion that that is not exactly the way it works out. I would like to hear from Mr. Sheppard what the facts are.

MR. SHEPARD: I will try to reply to that very briefly. Nearly all the franchises for our public utilities are granted and fixed by the legislature. The city of Boston, for instance, is now occupied by the Boston Elevated Railroad. That charter was granted by the legislature. It fixed the streets within which the railway is to run. It fixed the term for which it is to occupy the conduits, the sub-way, and the tunnel. It provided for the building of the sub-way and tunnel by a special commission appointed in part by the mayor of the city and in part by the governor of the state. It fixes the rate of fare to be charged, which cannot be changed, it having become a contract, being accepted by the corporation.

There is exactly the same situation as to the gas company and as to the electric light company; in fact, so far as Boston is concerned, and nearly the whole of the eastern part of the commonwealth, the people of the several localities have no jurisdiction whatever in the matter of public utilities. They are all under charters especially granted by the legislature. It was the law that the people of the different localities could grant franchises that are revocable at their will, but that has been entirely rendered nugatory by the special charters granted by the legislature which occupy nearly the entire field in Boston, and in other parts of the commonwealth.

THE CHAIRMAN: The time has now come for the adjournment of this convention. It is to be hoped that as many as possible, encouraged by the success of the convention that has been held here will attend the next and future conventions of the National Municipal League.

Is there any further business before the meeting? If not, I will now declare the convention adjourned.

The meeting adjourned accordingly, *sine die*.

APPENDIX

CONTAINING THE PAPERS READ BEFORE
THE CINCINNATI CONFERENCE FOR
GOOD CITY GOVERNMENT

own, that, so far as I can see, it is thus dealt with by many thinkers, talkers and writers on public questions in our midst, and almost universally by our laws. We seem to assume that the voters can and will, or, at all events, that, but for some artificial hindrances, they could and would, always and readily name by acclamation the man of their choice, very much as the Frankish warriors raised their future king on their bucklers; and that for a man thus honored to decline with thanks would be as unlikely in the one case as it probably was in the other. The only objection to this highly satisfactory solution is that probably found in practice to the ostrich's traditional habit of burying his own head in the sand when his enemy approaches: the enemy isn't seen, but he's there all the same, and, although we may put inconvenient facts out of our mental ken for purposes of ingenious speculation, when we are re-called to earth by such trifling details as ruinous taxes or extravagance, abuses or scandals in our city government, we find these same shameless facts unblushingly staring us in the face. In the words of Champernowne's "Boss":

....

"It is well understood that a small body of well-disciplined troops will defeat a much larger force of troops that are ill-disciplined, even if they have the same arms; but it is not so well understood that a similar thing is true of political contests; yet such is the truth. Although it is the law that the greater number shall rule, yet nearly always a smaller number, voting under orders as one man, will prevail over the greater number; because the latter are divided in their counsels, and many of their votes merely offset one another by being cast for different men."

If we leave the many thousands of voters in a great city without other guidance than their own hap-hazard notions, we practically abandon the public offices to some small and probably contemptible, but disciplined, minority.

It is hardly more practical to propose that the national political parties, or permanent municipal parties modeled on their local organizations, shall serve the voters as competing committees on nominations; although it is quite true that this was precisely the purpose which "parties", as first

Ignoring the Problem

Parties

humblest citizen to ask of his fellow citizens the highest office in their gift; but, if the end we seek be, not merely to fill the public offices somehow, but to fill them well, self suggestion will furnish a wholly untrustworthy source of supply. In my annual address of 1906, delivered at Atlantic City, I called to the League's attention how hard it was and how constantly it was growing harder "to find worthy workmen for the people's work and to keep them at such work when found", and I further pointed out that "really first-class men, as a rule, shun public employment in its higher grades, and too often oblige their city, state or nation to be content with the second-class; if, indeed, even these can be secured and our public trusts are not abandoned to the clearly unfit." On this subject I have now nothing to add to (and certainly nothing to subtract from) what I then said: under existing conditions there is, in some sort, a survival of the least fit among candidates for public service; we have made the incidents of such service so repulsive to those we wish and so attractive to those we do not wish to employ, that when the office shall find the man ready to seek it, or even inclined to yield readily if himself sought, in ninety-nine cases out of a hundred the office will do wisely if it display considerable agility in getting out of his way.

Since the work of a committee on nominations will be simply left undone if entrusted to the people at large, or to a modern political party, or to would-be candidates for office themselves, and since this work will be done uncertainly and often unsatisfactorily and yet more often not done at all when mere volunteers are expected to do it, we are led to consider the true substitutes for committees on nominations in our present municipal governments; and these are no other than the "bosses" in the local organizations of the two great national parties. It is the business of a boss to provide a candidate for every elective office; of course, if he be a wise boss, he will weigh and welcome suggestions, from whatever source they may come, which can aid him to do his work satisfactorily, —at least to himself. Moreover, since a boss, like Saturn, is usually encircled by a "ring", or more frequently by two or more concentric rings, he is habitually assisted in his labor by the counsels of his lieutenants and apprentice-bosses, retaining, how-

be here noted that sometimes the boss-ship is, so to speak, put in commission, and two or three, even five or six, men collectively discharge its duties. Of a "ring" of this character I need only say that, according to my own experience and observation, its rule is usually more oppressive and less enlightened than that of an individual boss, mainly for the same reasons which have often rendered a regency a period of divided counsels and corrupt and incapable government: for our particular purpose this evening, it is altogether immaterial whether by the "boss" we mean one big politician or three or four medium-sized specimens of the same genus.

It can hardly be said with justice that the boss has usurped the power of initiative with respect to elective municipal offices; he has rather inherited it, or acquired it through a gradual and unpremeditated accretion of his authority, resulting from the profound change in our ideas as to the nature of a political party. The original conception of a party was a group of citizens gathered about a prominent man with whose views as to public affairs they were in sympathy and whose suggestions they wished to see adopted in the conduct of the government. Far from the party's electing its leader, the leader created his party: no primary put Hamilton at the head of the Federalists or Jefferson at the head of the Republicans of their day, any more than a primary put Gladstone at the head of the Liberals or Disraeli at the head of the Conservatives of theirs. The party, it is true, generally survived the man who founded it; but his successor as leader was chosen, not by the ballots of all who had voted its ticket, but by a practical test of superior eminence; that man became the new leader whom it was found by experience other leaders were willing to obey. Nobody thought for a moment that every citizen who "belonged" to a party in the sense that he usually voted for its candidates, was for that reason entitled to a voice in determining its policies: the party was regarded as essentially a school of political thought, and the teacher or the few teachers who guided it were held to speak with authority because of exceptional personal qualities, not because of any delegation from the pupils who listened and followed. Moreover, the notions that a party constitutes a *quasi*

Origin of Parties

heard an intelligent and well-informed speaker deplore and condemn the general legalization of primaries: he said primaries ought to be, not regulated, but abolished and forbidden by law, and "party leaders", as he called them, ought to be obliged to present their candidates to the voters on their own avowed and individual responsibility; so that we should know A. B. as the candidate of C. D. or E. F. and not as the candidate of the Democratic party or of the Republican party, when we came to vote for or against A. B. As a matter of sentiment, I found myself much disposed to sympathize with him: in the course of a fairly long life, having been now for some thirty-five years always interested in public affairs and often more or less concerned with politics, although always avowing myself a party man, I have never voted in a party primary. But we must deal with the world as we find it, and in the American political world of to-day it would help and not hinder Boss C. D. or Boss E. F. in passing off on the voters his own chosen friend A. B. as the choice of the Democratic or the Republican party, if local Democrats or local Republicans had not even the imperfect and unsatisfactory opportunity afforded by legalized primaries to repudiate A. B. altogether. It seems to me more to the purpose to inquire whether we cannot secure somebody else, somebody more nearly in sympathy with the principles and purposes of this League, to exercise the powers of initiative which have fallen to the eminent bosses in question; so that Democratic voters or Republican voters when they come into the primaries may not be compelled to vote for A. B. simply because the only other candidates are the ridiculous G. H., who has had the impudence to nominate himself, and the equally preposterous I. J., who has been nominated by a self-constituted committee of cranks because he agrees with them as to the habitability of Mars.

To attain this end, we must first realize that the duties thus discharged by the boss are laborious and unpleasant duties, unpleasant even to the boss and which would be found much more unpleasant by such a substitute as I have suggested. Men of the right sort for the office to be filled must be, not only discovered, which, of itself is a toilsome process, but urged, entreated, per-

slip, while he prepares his ballot in the booth, the name of a leader for his party in the city during the next year: these slips would be put in a separate ballot box provided for each party, and publicly counted by the regular officers of election. The person receiving a plurality of the votes so cast would become the "party leader" for the ensuing year: the three or perhaps the five persons receiving the next largest votes after his should make up an "advisory committee" for the same period. The sole duty of the party leader would be to place names on a "regular ticket" at the party's primaries. The advisory committee should be consulted as to these names, and any member of it who disapproved of any name could have his dissent published. Every facility would be given for "independent" candidacies both at the primaries and at the final election; the nominees of the party leader would have no other advantage in the former than to be designated as "regular", or by some equivalent title.

I do not believe the party leader, chosen as above suggested, would usually be the present local boss: if he were, this would only show that the boss fairly represented the party. In any event, under this system, the party's nominations would be suggested by a representative consciously and intelligently chosen to do this particular work and the city's voters would know the true value of a nomination as an assurance of fitness. The function of the initiative, that is to say, the duty of making suggestions must fall in last resort to an individual: if we make it the business of anybody we make it the business of nobody; if we make it the business of every body, whether in the party or in the electorate at large, we leave it to fall to anybody who grasps it, and experience shows that this anybody will not be usually a somebody we want. I propose to recognize the importance of this business, and to put it in the hands of a designated somebody: somebody else, somebody otherwise chosen, may be possibly, indeed probably, better fitted to attend to the work than the somebody I have just suggested: but assuredly, whether we neglect it or not, the work must of necessity and will certainly have attention, and, no less assuredly, it is now generally or far too often in bad hands.

The American Municipal Situation.

CLINTON ROGERS WOODRUFF, Philadelphia,
Secretary.

Charter revision and nomination reform have been the two most conspicuous tendencies in a year of unparalleled municipal activity. It is a matter of no small moment or importance when 138 cities within two years seriously consider the question of charter building and rebuilding. Within that period 26 cities in the North Atlantic group, 18 in the South Atlantic, 43 in the Northern Central, 26 in the Southern Central and 25 in the Western and Pacific group have called upon the National Municipal League for assistance in some form or other of charter readjustment.

Charter Readjustment

The list of cities includes practically all the larger centers—Boston, New York, Buffalo, Baltimore, Atlanta, Detroit, Milwaukee, St. Louis, Kansas City, Portland, Seattle, Spokane, Tacoma, San Francisco, Los Angeles. Massachusetts, New York and West Virginia have authorized official investigations of the question. Pennsylvania, Virginia, Illinois, Michigan and Wisconsin are the scenes of definite state-wide movements for improved charters for most of the classes of cities within their borders.

Boston's experience has been an illuminating and significant one. The Boston charter bill, as passed by the Massachusetts legislature, and approved by Governor Draper on June 11, 1909, is divided into two parts: 1. Administrative; 2. Political.

The first part embodies the administrative features of the recommendations of the now original Boston Finance Commission providing for a permanent finance commission of five members to be appointed by the governor of the state, the chairman to receive a salary of five thousand a year and the other members to serve without pay; the salary of the chairman, and at least \$25,000 additional for the expenses of the commission, must be appropriated

Boston's New Charter

by the city council each year. This commission is authorized to employ such experts and other assistants as it may deem necessary; and its duty will be from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts and methods of administration affecting the city of Boston and the county of Suffolk, and to report thereon to the mayor, the city council, the governor, or the general court. In addition, the mayor, city auditor, or city treasurer may refer to the commission any claim against the city which seems to be of doubtful validity "or otherwise contrary to the city's interests," payment being withheld pending such consideration.¹

Department heads are to be appointed by the mayor, and they must be "recognized experts in such work as may devolve upon them"; or else they must be "persons specially fitted by education, training or experience to perform" these duties. The mayor must certify to one or the other of these facts in making appointments, and must add that the appointment is made "solely in the interest of the city." Before they become effective, however, they must go to the state civil-service commission for investigation and certification as to the facts alleged.²

Other important sections provide for the initiative of the budget by the mayor; more careful safe-guarding of long-time contracts entered into by the city, increase in the power of the auditor; carefully drawn provisions preventing the interference of the city council in the matters of city contracts and city labor, and the publication of a "City Record", weekly or oftener, under the direction of the mayor. In it all city advertisements must be published, together with other information relating to the city, proceedings of the council and the school committee, and all communications from the mayor. There are numerous other excellent details, the working-out of which, together with the larger and more important features, will repay close watching.

The political part of the Act was referred to the voters of Boston in alternative form, the choice being made at the Novem-

¹ See article in *Engineering News*, October, 1909.

² See paper of Richard Henry Dana, *infra*.

be elected at any one election, except the first. In other words, Plan 2 introduces the short ballot; whereas, Plan 1 provides for undivided responsibility and an unwieldy body of legislators. Complexity characterizes the one, and comparative simplicity and directness the other.

Boston, by a small majority, endorsed Plan No. 2, the vote being for Plan 1, 35,276; for Plan 2, 39,170—total, 74,446.³

Although no charter legislation affecting Greater New York was passed by the state legislature, the report of the commissioners chosen by Governor Hughes to suggest a new charter for the city constituted an important event. The existing charter is a hodge-podge of all sorts and conditions of laws and regulations. No small part of the provisions is entirely out of place in an organic law. The commissioners set themselves to the task of preparing a municipal *constitution* in place of a body of statutes including, it is estimated, over a half-million words. They drafted a charter of about 70,000 words and a body of administrative law of nearly equal size. In other words, the two represented physically one-quarter the content of the present charter alone.

In substance it suggested that the borough presidents should be shorn of administrative functions and devote their attention solely to the great financial work of the Board of Estimate and Apportionment; that the administrative work be given to heads of departments directly responsible to the mayor, and to bureaus, some under the Board of Estimate and Apportionment, some under other departments, and a council of 39 members to take the place of the present unwieldy and unnecessary board of aldermen. A notable change suggested was the one which outlined the abolition of the street-cleaning department, putting its work as well as that of repairing streets, care of sewers and the like now under the charge of the borough presidents, into a "Department of Street Control." The power to grant franchises was transferred from the board of aldermen to the Board of Estimate and Apportionment, the proposed council to have authority of making ordinances only; in other words, it was to be made a

³ The vote for Governor at the same election was 76,190 (Republican, 28,542; Democratic, 47,648).—EDITOR.

books.⁴ Chaos was only prevented by the supreme court extending the operation of the judgment of ouster for a sufficient time to enable the governor to call together the state legislature to enact the necessary legislation. The Municipal Code passed by the legislature in 1901 proved cumbersome and expensive, especially in the smaller cities. So great and so widespread

Paine Law in Ohio was the discontent with it that the legislature of 1908 passed a law, known as the "Paine Law," which abolished unnecessary boards, centralized administrative power, simplified the machinery of municipal government, and enforced responsibility and accountability. Under the amendments the mayor will be actually, not figuratively, the responsible head of the administrative departments of the city government.⁵

In St. Louis, where a board of freeholders is at work, the same fight for simplicity is being made, but with what result it is not now possible to foretell. The St. Louis Civic League, an unusually effective organization, has very carefully studied the situation and made suggestions under the title of a "Plan for New City Charter" that seem to be an attempt to engraft the

St. Louis best ideas of the English and Prussian systems on the American system. It suggests that the municipal assembly should be composed of eighteen members receiving each an annual salary of \$2,400 elected at large for terms of six years; six members to be elected every two years; the members to be assigned, two to each of the nine departments as members of a supervisory committee. The mayor should, furthermore, be charged with the duty of appointing two responsible citizens not holding public office selected for their special information and qualifications, to act in conjunction with the members of the assembly. These four persons so designated to have, however, only supervisory, not directory, power over the department.

The mayor to be elected for four years should be the executive officer of the city, and primarily responsible for the administration, with power to appoint the heads of the city department

⁴ See Proceedings of Boston and Detroit Proceedings.

⁵ See paper of John R. Schindel, *infra*.

municipal matters is thus met by "down state papers," the following being from the Rockford *Star*:

"The legislature has wisely refused to enlarge the power of the city of Chicago at the expense of the state at large. If the legislation sought by Chicago were granted that city would, for all intents and purposes, be a state of itself. It would continue to send boss-owned representatives to the legislature who would vote on matters affecting the commonwealth, but the 'down state' members would have no voice in matters relating to Chicago.

"The legislature will not add to Chicago's power until that city is restricted in its legislative representation. At the present rate of growth it will not be long before Chicago will control the legislature. 'Down state' people view that possibility with considerable alarm. The class of men Chicago sends to the legislature is not such that their increase can be viewed with equanimity. To allow Chicago a majority in each branch of the legislature is not best for the people of the entire state, nor would it be beneficial to Chicago. The country districts do not send their best men to the legislature, but such as they are they are not boss made. They come from a free and independent constituency which will not tolerate self-appointed political bosses."

It must be conceded that there is a considerable measure of merit in the demand that the city send a better grade of representatives, but this should not be allowed to interfere with the city's right of self-government.

Municipal home rule, although apparently a far cry in New York and Chicago, is a living actuality in St. Louis, and under the new constitution in Michigan. The constitution adopted a year ago gave to Michigan municipalities a very considerable degree of real self-government. The Michigan legislature, acting under the constitutional provision, has enacted laws in obedience to its mandates working out the details of an effective home rule.*

A healthy movement for genuine home rule has been inaugurated in Wisconsin, the first steps having been taken at the Marinette meeting of the Wisconsin League of Municipalities. Although the recent legislature provided for an optional form of commission government, the movement referred to is of a more

* See paper of the Hon. Guy A. Miller, *infra*.—EDITOR.

Following is a list of the cities which have adopted one or another form of commission government:

Growth of Movement Galveston, Houston, Waco, Fort Worth,
 'Austin, El Paso, Dallas, Denison, San Antonio,
 Greenville, Sherman, Beaumont, Orange, Texas.
Des Moines, Cedar Rapids, Keokuk, Burlington, Iowa.
Kansas City, Leavenworth, Topeka, Wichita, Hutchinson, Independence, Anthony, Coffeyville, Kansas.
Haverhill, Gloucester, Chelsea, Massachusetts.
Sioux Falls, South Dakota.
Boise, Lewiston, Idaho.
Charlotte, North Carolina.
Berkeley, San Diego, Riverside, California.
Minot, Bismarck, Mandan, Grand Forks, North Dakota.
Colorado Springs, Grand Junction, Colorado.
Ardmore, Sapulpa, Enid, Oklahoma.
St. Joseph, Missouri.
Tacoma, Washington.
Memphis, Bristol, Clarksville, Richard City, Tenn.

The discussion of the proposition is country-wide. From New England, where Dr. Charles W. Eliot, President-emeritus of Harvard, is the chief proponent, to Oregon; and from Minnesota and Wisconsin to Texas, Mississippi and Florida. State legislation has been introduced in the legislatures of Illinois, Nebraska, Virginia, Florida, Indiana and Montana, and although not enacted into law, the popular demand is growing so rapidly that there is little doubt that it will soon be placed on the statute books.

According to the records of the National Municipal League the question is now actively under discussion in thirty-three (33) cities, representing twenty-five states.

Surely this is a marvelous showing for any form of government and indicates the hunger of the American municipal citizen for relief from city ills and for a more efficient form of government. While we must not overlook the fact that the commission form is not new in America, Boston, according to Prof. J. H. Beale, Jr., of Harvard, having started out

election must be held three weeks later. At the first election the candidates receiving the highest number of votes for the several offices in question shall be deemed elected provided that number is "greater than one-half the number of ballots cast at such election." In case of any non-elections, then, so far as unfilled offices are concerned, the regular election becomes a primary and the two candidates who received the highest number of votes (or three in case of a tie) become the nominees to be voted for at the second election.

At the first election (May 1) under the new charter there were four candidates for mayor, four for auditor, twenty-nine for councilmen or commissioners, and twenty-one for school directors—there being four councilmen and four school directors to be elected.

**Berkeley's
Charter**

The large number of candidates produced some confusion in the minds of voters at first; but it was soon seen that most of them were negligible and could be easily eliminated. In the words of a local observer, "There were 10 candidates for councilmen and 10 for school directors that were to be taken seriously. This has been the first occasion in years when there was any incentive to go to the polls at a local election, the first time there was any real choice to be made; and this was the first time, too, that there were candidates worth voting for. Very satisfactory candidates had been brought out by the non-partisan nomination. The first election was very interesting, about 70 per cent. of the entitled voters participating."

A very strong fight was put up by the local machine to retain control, and a popular political leader was nominated for mayor—a strong vote-getter; but the "Good Government" people were well organized and did not allow themselves to be deluded. At the last moment a partisan call to stand by the party as against any non-partisan ticket, a cry that has always worked successfully under the old methods of nomination, was made, but the result of the election was a decided victory for the "Good Government" forces, the candidate for mayor receiving a clear majority over all other candidates, as did the candidate for auditor. Among the highest eight candidates for councilmen, the first four were "Good Government" candidates; and it is doubtful

commission form of government. The situation there is sufficiently complicated and extended to afford a very fair test of the efficiency of cities of the second rank. Buffalo, New York, has voted to try the experiment, if the state legislature will give its assent.

There is one danger which advocates of the commission form of government must guard themselves against; that is, the feeling that it constitutes a panacea for municipal ills. In the words of one of the principal proponents of the Galveston plan, "The commission plan is all right. It is an improvement, an unqualified success; but no plan can be devised which is self-operative, or which will relieve the people from the responsibilities of self-government. It is my belief that every city will have just such city government as its people deserves."

Tacoma's charter commission, recognizing this feature, has determined to carry on the fight, the electorate having already approved the commission form, until the right sort of men are chosen to carry out the provisions of the charter. They realize, as E. L. Godkin pointed out many years ago, that "No municipal reform will last long, or prove efficient, without a strong and healthy public opinion behind it. With this, almost any charter would prove efficient." We may add, however, that the commission form of government, with the safeguards which have been thrown around it, constitutes a very substantial step forward in the betterment of municipal government in America.

The merit system has been a very conspicuous feature of the later forms of commission charters. For instance, the Kansas law giving to the cities of that State the opportunity of adopting a commission form of government, contains excellent civil service provisions. In fact, all of the charters that are based on the Des Moines modification of the commission form of government, contain more or less adequate civil service provisions.⁷ The new Ohio municipal code contains fairly comprehensive civil service provisions: the president of the board of education; the president of the board of sinking-fund commissioners and the president of the council are made a commission of three

⁷ See editorial in *Good Government*, for November, 1909.—Editor.

is coming to be much more frequent. Among the most notable instances during the past year are those of the Municipal League of North Dakota (composed of officials of municipalities), and the grand jury of Hennepin County, Minnesota (in which Minneapolis is situated). In the latter's presentment on civic conditions are these significant words, "We also find that the heads of departments are harassed and badly handicapped by persistent and greedy aldermanic politicians by insisting on forcing incompetent help upon them, presumably to pay their political debts. If the heads of the departments had absolute control of their offices and employees under civil service, it would be a godsend to the taxpayers."

A conspicuous feature of the movement for the commission form of government is the impetus which it has given to the movement for the "short ballot". No small part of its success may be attributed to the fact that it simplifies the issues presented to the elector, in that he is called upon to choose but five officials charged with the duty of carrying on the whole government of the municipality. This represents a striking contrast to the burden placed upon the shoulders of the elector in the large majority of American cities, where he is called upon to select "platoons" of administrative, judicial and legislative officers, not to mention school directors and election officers. The consequence is, as has so often been pointed out at the meetings of the National Municipal League, the elector is by force of circumstances compelled to depend either upon some party for advice and suggestion, or upon some volunteer organization like a municipal voters' league, or civic association.

A short ballot organization has been formed during the year, not with the thought of advocating specific applications of the idea, but to assist in establishing the groundwork for educating the American people in an understanding of the principle. The purpose of this organization, according to its declaration of principles, is:

"To explain to the people of the United States the principle that democracy can reach more efficient working through a drastic reduction in the number of officials elected, thus securing

a ballot which is very short and which includes only offices that are of sufficient public interest to attract from the voters a scrutiny and comparison of candidates adequate to make their respective individual merits a matter of common knowledge."

Nomination reform has been a burning issue in New York and in Illinois. Since our last report, on the subject, Michigan, New Hampshire, Idaho, Nevada, and California have abolished nominating conventions and installed in their place a system of direct nomination. Nineteen states now possess a mandatory system of direct nominations covering all offices except that of delegate to the national nominating conventions. These are: California, Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington and Wisconsin.

In three states there is a mandatory system of direct nominations covering all offices excepting positions in the state government and delegates to the national nominating conventions: Minnesota, Ohio and Pennsylvania.

In four states there is an optional system of direct nominations covering all offices except delegate to the national nominating conventions: Alabama, Florida, Kentucky and Tennessee.

In four states there is a mandatory system of direct nominations that apply to certain localities or offices: Indiana, Massachusetts, New Jersey and Tennessee.

In ten or more states there is an optional system of direct nomination covering certain localities or offices: Connecticut, Delaware, Indiana, Maryland, Maine, Massachusetts, New York, California and Rhode Island.⁸

In most of the Southern states direct nominations prevail in the majority party.

Governor Hughes has forced the issue for direct nominations in New York. He is to-day the most prominent and conspicuous representative in office of the growing public protest against what he describes as "the control of the powers of government

⁸ I am indebted to George H. Shibley, of Washington, for the foregoing concise summary of the situation.—C. R. W.

by selfish interests." Both in his formal messages and in his speeches he has presented the issue clearly and concisely. In one of the former he declared:

"In theory, party candidates are selected by those who have been chosen by the party voters to represent them in conventions. In practice, the delegates to nominating conventions are generally mere pieces on the political chessboard, and most of them might be inanimate so far as their effective participation in the choice of candidates is concerned. Party candidates are in effect generally appointed by those who have not been invested with any such appointing power."

This practice in his opinion has had four unfortunate results. It has had a disastrous effect upon party leadership; it tends to discourage party voters from participation in the affairs of the party. Candidates too often regard themselves as primarily accountable not to their constituents, nor in the broad sense to their party, but to those individual leaders to whom they realize they owe their offices and upon the continuance of whose favor they feel that their political future depends. The fourth evil, and the most serious, is the consequence to the people at large:

"To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of government, to shape the laws, to prevent the passage of laws or to break laws with impunity, is increased. These interests are ever at work stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life, finds its readiest means of access to power through the control of the nominating machinery of parties."

Governor Hughes' ideas in regard to nomination reform were embodied in a bill known as the "Hinman-Greene Bill," the principal features of which were:

Designation of candidates for nomination by party committees instead of the present convention system.

All candidates for party committees are to be **Direct Primaries** nominated by petition only, signed by a specific **in New York** number of enrolled voters, and are to be elected annually.

The basis of representation of each committeeman is made pro-

vide nomination reform have been overturned by the supreme court. It must be frankly admitted, as one member of the legislature pointed out, that the recent decision of the Illinois supreme court declaring the last primary law unconstitutional will make it difficult to induce the legislature to pass a satisfactory measure. The court has held that a primary is an election. The question, therefore, arises whether or not it will be necessary to give to the elector at a primary election the right to cumulate his votes that he now has at a general election.

Governor Deneen and his supporters are pledged to carry on the fight; and the coming winter will no doubt see an appeal to the people similar to that which Governor Hughes has made in New York.

Governor Fort, in New Jersey, is also carrying on a similar campaign, but with what prospects of success it is not now possible to forecast. In a recent speech he said: "I have been criticized for going before the people in person and pleading the cause of direct nomination; but it is the privilege and duty of a governor to make recommendations to the people as well as to the legislators. I had rather go to the people and give them my idea of what is best than sit in the back room and dicker for political votes. I will not do that."

There has been a disposition on the part of some advocates of direct nominations to consider the enactment of the law as the beginning and the end of their work, overlooking the fact that the direct primary is an opportunity, not a cure. The most that good laws can do is to make it more difficult for the reactionary elements to promote evils and to make it easier for the progressive elements not only to prevent or cure them, but easily and effectively to advance the general welfare of the community.

Philadelphia afforded a striking instance of what could have been done at the primaries under a system of direct nominations if the independent elements had utilized the machinery which the law placed within their reach. On June 5th last the primaries were held in the city of Philadelphia under the law of 1906. The Republican organization had selected its candidate for district

Philadelphia's Primary Experience

in this connection, "When men strike hands across the party fence to do the behest of politicians, to compass a union for plunder, to band together for the withholding of good legislation," why should not public-spirited citizens disregard party ties and affiliations and work together for the common good of their locality?

An encouraging phase of the present American municipal situation is to be seen in the improved character of the candidates nominated by the party organizations. Heretofore party titles and designations have sufficed to pull through many an unsavory candidate; but now party managers realize in many localities that the only way they can hope to win is by putting up men of a high character who will appeal to the general community irrespective of their party endorsement. Tammany, for instance, in the campaign just concluded, was compelled to nominate Justice Gaynor, not because he was a man of their own liking, but because they felt that his character and reputation were such as would detract attention from the character of the rest of their ticket. Fortunately for the good of New York and for the good of the whole municipal movement in America, the voters of Greater New York, while accepting Justice Gaynor, rejected his colleagues by a decisive vote.

Interest in the recall has continued unabated during the past year. In fact, the utilization of this new measure of popular control by the electorate of Los Angeles, brings
The Recall forcibly to mind its rapid development.* In Nevada this year's legislature submitted to the next legislature a constitutional amendment establishing in the people a power to recall their public officers. The new Boston charter contains a modified recall; and nearly all the new commissioned-governed cities have it. The recall has been used successfully in Los Angeles, in Junction City, Kansas, and in Estacada, Arizona.

It remained, however, for Los Angeles, which originated the recall as an instrument of popular control in municipal affairs, to afford the most extended application of the provision thus far had. The Los Angeles Municipal League, with the co-operation

* See paper of Robert Treat Paine, Jr., Pittsburgh Proceedings.

were warned a year ago against the misuse of the system; but as a member of the National Municipal League declares, "Like the bicycle and automobile crazes in their day, the tendency to run too fast at first seems almost irresistible."

Nevertheless, the election seems to have been most intelligently conducted. There was a great amount of advance information and advice sent out in the way of circulars, pamphlets and a very carefully-prepared report from the taxpayers' league. The election was quietly conducted without the slightest suspicion of any improper voting. The progressives identified with the Taxpayers' League expressing themselves as being on the whole "exceedingly well satisfied with the result." On one or two minor points its recommendations were overruled; but only such issues as were considered proper were passed; and there seems to be a general feeling that the rejection of the commission form of government was on the whole and under all the circumstances wisest, although there was more division of opinion on the part of independents on this point than on any other.

The vote for mayor was 18,000 and on the referenda it averaged 15,000—a surprisingly large proportion.¹¹

Former United States Senator Joseph Simon, the Republican candidate, was elected mayor; but, as Thomas N. Strong, a vice-president of the league, declared in the *Oregon Citizen*: "Every substantial reform will abide; and neither Mr. Simon nor any one else will ever be able to restore the old evil conditions, nor will he nor any intelligent person desire to do so. It would not pay; and in the last analysis corruption prevailed because it paid, and reform will now prevail because it will pay." Mayor Simon's conduct of his office since assuming its duties has been such as to justify Mr. Strong's judgment.

Arkansas' legislature submitted to the people this year a constitutional amendment for the establishment of the referendum and initiative, the system proposed being the one now in use in Oregon. Nevada's legislature took the first steps toward amending its constitution along similar lines. In municipal affairs wherever the Des Moines plan of government has been adopted,

Spread of the Initiative and Referendum

¹¹ See paper of Joseph N. Teal, *infra*.—EDITOR.

it has been in conjunction with provisions providing for the initiative, referendum and recall. Kansas has established the initiative and referendum in all the cities of the state. Following are the states where the initiative and referendum are used in some of the cities or in all of them: California, Colorado, Delaware, Idaho, Iowa, Kansas, Maine, Massachusetts, Mississippi, Missouri, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Washington: in all 20 states. The states where the initiative and referendum are in full operation for statute and municipal law are: Maine, Missouri, Montana, Oklahoma, Oregon and South Dakota. In all of the states so far mentioned except Maine and Montana, the initiative applies to constitutional changes.

Franchise questions continue to occupy a leading place in the consideration of municipal administrators, legislators and students. The experiments that are working out in Massachusetts, Wisconsin and New York in the state control of franchises are being closely watched.

Perhaps I can best express the most advanced thought in regard to the control of public utilities through state or municipal boards, by paraphrasing the opinion of an official of the New York commission, who, although a firm believer in the principle of municipal ownership and operation of all utilities like transportation, water, gas, electric light, telephones—realizes that all municipal administrations are now most neglectful in the performance of many of the functions which they already have, and that there is no adequate municipal machinery ready at hand for the operation of all these utilities by the city. This machinery, perhaps, could be easily and quickly provided if the conviction that public ownership was the best policy should really take hold of the community to the extent of overcoming the present antagonism of those who have had experience in operating public utilities, and practically all other men of large affairs associated with them in the advancement of private enterprises.

When, however, it is necessary to establish municipal ownership in the teeth of the most determined opposition of the men best qualified to operate public utilities, it is a matter of neces-

sity that the city should prepare itself by gradually building up the machinery necessary for success in case municipal ownership and operation is attained.

In reference to public service commissions one fact must be steadily borne in mind, and yet it is often overlooked; the creation of these commissions does not mean the assumption by the state of any power over public service corporations. The legislature has almost always and invariably had the power to regulate them as to their rates and as to the kind of service they must furnish to the public. The trouble heretofore has not been so much with the legal power to do these things, but with the question of the practicability to exercise that power in the best interests of all concerned. In the very nature of the case it is impossible and impracticable for the legislature either to make the necessary inquiry or to maintain the continuous supervision, or even to arrive at an intelligent judgment on these necessarily intricate matters. When we add to this the fact that the division of responsibility among a hundred or more persons increases infinitely the chance of corruption and favoritism, we see how utterly hopeless any real and substantial control of the situation—honest and intelligent and competent control by a legislature—must be. After years and years of floundering between scandalous subserviency to corporations on the one hand, and ignorant or vicious or dishonest attacks upon them on the other, the progressive communities of the country are coming to the inevitable conclusion that to get this business of the people attended to promptly and satisfactorily, it is necessary to entrust it to small and well-paid commissions of competent men charged with due power and responsibility.

The opening of the McAdoo tunnels between New York and Jersey City represents far more than a great engineering achievement, great though that is. It represents a new policy on the part of corporations in dealing with the public. At the formal opening of the tunnels Mr. McAdoo, who was the genius that conceived the idea of the tunnels and organized their construction, declared: "We believe in the 'public be pleased' policy, as opposed to that

**Legislative
Control**

**The Public
Be Pleased**

dominated by red tape. The public wants fair play, and is in a position to demand and get it. Intelligent management of properties will recognize that those that give freely to their customers good service at reasonable cost will, I believe, have little cause to complain of unfair treatment at the hands of legislators or commissions. The commission that demands only fair and reasonable treatment of the consumer, and in return secures the corporation from piratical attack of competitors organized only to be bought out will, in the end, prove a bulwark to the security holder."

Street railway matters have continued to occupy the attention of Cleveland during the past year, although a settlement is now in sight. The whole question was thrashed out in a special campaign, concluded August 3rd, resulting in the defeat of Mayor Johnson's plan by a vote of 35,000 to 31,000. Two years ago the Municipal Traction Company was formed by Mayor Johnson as a holding company. It was to be managed by a board of independent trustees who would operate the street-cars not for private profit, but for the benefit of the citizens. It seemed to many who had followed the situation that if the street-railway problem of Cleveland, which was typical of that of many other cities in the country, could be settled on this basis, it would be a great step in advance in the management of all public utilities. The experiment failed, however, and the Municipal Traction Company has become bankrupt, and its affairs placed in the hands of a receiver appointed by the federal courts.

Without going into detail in regard to the causes of this failure and of the complications incident thereto, suffice it to say that a plan which was proposed by Judge Tayler of the U. S. court and backed by the Cleveland Chamber of Commerce for the settlement of all the difficulties and which would enable all the street-car lines of the city to be run at a uniform fare which should rise or fall in accordance with the net earnings of the company, limited by the plan itself to 6 per cent.—was defeated by Mayor Johnson. In turn, he proposed an alternative plan, which was submitted to the people on a referendum vote and defeated. The plan suggested by Judge Tayler was then taken up and was made the basis of a final settlement of the long-pending difficulties.

to the representatives of the court the difference between the rates charged and those fixed by the legislature, to be distributed in accordance with the decision of the highest court. In substance the supreme court declared that the controversy had been brought prematurely and that it could not pronounce upon the constitutionality of the law.

In its memorandum accompanying the decision the court enunciated certain rules which would guide it in determining whether a rate was just or not. One rule was that in this case under the circumstances the rates charged should allow a return of at least 6 per cent. upon the value of the company's property. If the company should receive that percentage it would get all that as a monopoly it could demand. In estimating the value of that property the court maintained that the amount on which this percentage is to be reckoned should include the value of the franchises as that value had been accepted by the state.

As the state had never questioned the valuation of the company's capital stock as it was fixed by the constituent companies when they were consolidated, the state could not now, the court maintained, be heard to question that valuation. As was pointed out by *The Outlook*, this rule implies that if a state for taxing purposes appraises a franchise and pays a property tax upon it, then the state must allow the company that holds the franchise to collect interest upon it from the ratepayers.

Interest on Franchises

Such a rule would make a franchise taxation unpopular if not impracticable; for what the utility company pays to the state in taxes it would collect many times over in the increase of rates sufficient to make up a 6 per cent. income on the franchise. Even if a franchise tax of as much as 6 per cent. to balance a 6 per cent. income could be laid, there would still be an inequality; for while the tax would go to the whole state, it would be paid by a small minority of the state, namely, the patrons of that particular utility. The people would eventually rather sacrifice the state tax than pay in rates several times the amount of the tax merely for the right to lay the tax. In substance the court has said a state can not regard a franchise as private property for the purposes of taxation without allowing the owner of the franchise to regard it as private property for the purpose of dividends.

the passage of an ordinance appropriating \$200 in the expenditure of which he was directly interested. Four men have already been convicted of complicity in the Harrisburg capitol graft, two having died since sentence was pronounced. A fifth person, who was implicated in the scandal, died before the day of trial, and another has gone crazy. The same day that the Pennsylvania grafters were sentenced, a former member of the Columbus (Ohio) board of control was sentenced to four years in the penitentiary for accepting a bribe from the local representative of a paving company.

In Pittsburgh a group of councilmen have been convicted of accepting bribes and a bank president of giving them, and certain third parties have also been caught in the meshes of the law. Every man known to be guilty of participation in the grafting operations brought to light by the Civic League of Pittsburgh has been tried and convicted.

One of the most sensational and important occurrences of the year in Chicago was the indictment and conviction of police inspector Edward McCann for taking bribes for protecting disreputable resorts in his district. This conviction proved what has long been believed by many persons familiar with police affairs, namely, the existence of a widespread system whereby the police have corruptly given protection to law-breakers. It is expected that the state's attorney of Chicago will follow up the conviction of Inspector McCann by other prosecutions along the same line. In connection with this case, the state's attorney, Mr. Wayman, has since secured the indictment of one of the jury commissioners and two other persons on a conspiracy charge based upon alleged systematic corrupt manipulation of jury lists.

It is but natural to ask, in the face of this list of indictments and convictions, which unfortunately is but a partial one, Is the country on the decline? Are we living in an age of increasing immorality? Are the standards of public and private conduct disintegrating? Are we worse morally than our predecessors?

These investigations, grand jury inquiries, indictments and convictions mean that the American people are tired of the old condition of affairs and are insisting on a new deal. They are repudiating the standards of the past generation and establishing

to method of investigation and as to significance of facts disclosed.

Co-operate with municipal officials in devising remedies so far as these can be effected through change of system.

Make no recommendations as to personnel further than to present facts throwing light on the efficiency or inefficiency of employee or officer.

Submit in printed form suggestions not easily understood when orally given and not readily conveyed by typewritten statements.

Prepare formal report (after conference among trustees and after editing by committee on reports) to department heads, city executive officers and general public.

Support press publicity by illustrations, materials for special articles, suggestions to editors, to city officials, and to reporters.

Follow up educational work until something definite is done to improve methods and to correct evils disclosed.

Supply freely verifiable data to agencies organized for propaganda and for legislative, agitative or "punitive" work.

Try to secure from other departments of the same municipality and from other municipalities the recognition and adoption of principles and methods proved by experience to promote efficiency.

There can be no reasonable doubt but that a large measure of the success of the recent New York campaign was due to the work of the New York bureau in bringing home to the people of New York the tremendous importance of the issues, financial and otherwise, but especially financial, involved in that campaign.

Whether New York City wastes officially \$50,000,000 a year, as claimed by a recent writer (Franklin Clarkin in *Success*),

Municipal Wastefulness municipal wastefulness is far beyond any justifiable figure, if any waste can be said to be justifiable. Mr. Clarkin, in the article referred to, made up his fifty millions by estimating the waste in the matter of salaries and wages not only in the way of unnecessary employees, but in the overpayment of even those who were necessary, at \$20,000,000; the waste in supplies of materials, \$4,500,000; in repairs and replacements, \$6,000,000; in condemnations, \$4,000,000; in construction contracts, \$10,000,000; loss on the Ashoken Dam bid, \$2,000,000; loss in interest selling revenue bonds anticipating taxes, \$3,000,000.

He arrived at these figures by estimating the loss at from 25 to 40 per cent. on each item in a total appropriation of \$151,-

that the commission is headed by Professor Charles E. Merriam,¹⁴ of the University of Chicago, who is also a member of the Board of Aldermen, guarantees that the work will be thorough, and far-reaching in its results.

Turning now to another phase of the situation, we find a satisfactory increase in the number of agencies designed to educate

Civic Interest American citizens not only in their rights but—what is far more important—in their duties.

Municipal voters' and civic leagues continue to increase in number and efficiency. The Intercollegiate Civic League represents an important and encouraging development of interest. The Associated Harvard Clubs' Report on Reform in City School Administration represents a still further important and significant development of interest on the part of college men.¹⁵ Libraries are increasing their municipal departments and are providing in various ways, on the one hand, to meet the increased demand upon them for information, and, on the other, to stir up such a demand. The *Kansas City Star* has sought to stimulate interest through the creation of a series of prizes for the best essays on municipal topics. A Harvard man (Frank G. Thomson) has given to that institution \$5,000 a year for ten years to be used chiefly for increasing its facilities for preparing young men for service in municipal government, either as intelligent citizens or as expert officials.

As the *Boston Herald* points out, this is "a very propitious sign of the times. With this sort of aid from men of means and with the co-operation of the National Municipal League's committee on instruction, it is apparent that universities and colleges can if they will contribute much more than in the past to helping this country to a higher grade of municipal administration."

The University of Wisconsin has established another progressive precedent by adding to its extension department a bureau of municipal reference for the purpose of collecting data and information on all subjects of municipal activity and municipal government, with the view to making that material accessible

¹⁴ Prof. Merriam is also a member of the Executive Committee of the National Municipal League.

¹⁵ See paper of A. J. Freiberg, *infra*.—EDITOR.

compelled to go into a bar-room to address a political meeting where the bartender uses me to advertise his beer?" The use of the schoolhouses for political meetings is no new thing. Formerly the little red schoolhouse was the only place of meeting for the whole community for every conceivable purpose; and it is an encouraging development in the municipal situation of to-day that our schoolhouses are coming to be utilized as means of service not only to the children, but to the whole population.

There is an increasing tendency toward more intelligent interest in civic and general public matters on the part of women, and

**The Civic
Interest of
Women**

specially organizations of women. They are bringing into municipal life a fresh point of view and a real enthusiasm for higher standards which must ultimately produce results of far-reaching character. They realize oftentimes far more vividly than men, the fact that "to be a good citizen without seeking to remove bad social conditions is impossible." As Miss Zona Gale, of Wisconsin, a well-known writer, pointed out in a recent address, "this puts the responsibility where it belongs," and she added that "nowadays there is no part of civic and social life in which women may not help." She could have added with equal truth, "and help effectively."

City planning has had a great impetus during the past year. While this phase of the subject belongs more particularly to the American Civic Association, at whose hands it is receiving competent attention, nevertheless no review of existing American municipal conditions would be complete without at least a reference to the development of public sentiment in behalf of a more intelligent planning of the city along physical lines. "The city in which its citizens can take but little pride is one in which there are few improvements." "That city in which the citizens have no interest in their identification with it, is one that lacks public spirit, that is filled with critics and dictators lacking interest in it; the city becomes the home of those who are indifferent to its welfare, if not discontented with it. . . . To be in earnest; to have it well governed is to assure good government for it; to be indifferent in regard to it is to run the risk of insufficient and dishonest government. In brief, the community whose citizens

of business. Real estate values have not decreased in Atlanta during the one and a half years of prohibition; but, on the other hand, they have been fully maintained, and are to-day the highest in the history of our city." The reference, however, to the near-beer saloons exposes the weak spot in Georgia's prohibition which remains to be eliminated if there is to be a fulfilment of the purpose which prompted the original legislation. A still more interesting illustration to the same effect is to be found in Springfield, Ohio, which is dry under the operation of the Rose local option law, which makes the county a unit. Clark County (in which it is located) voted "no" late last spring; although the city of Springfield voted by several hundred majority to retain the saloons. According to a discriminating and unprejudiced observer, the results have been most satisfactory. The law became operative thirty days after the election. In the words of this observer:

"After a little while a 'Complete Reform League' was organized by three or four of the ex-saloon keepers. This employed a corps of detectives and several lawyers, proceeding to have **Springfield, Ohio** arrested each Sunday the cigar dealers, ice-cream vendors and amusement park people. In the police court, presided over by a liberal Democrat, all these cases were indefinitely continued on the same terms as had been made by the Republican county prosecutor with the former saloon keepers. Lately the Complete Reform League has run out of money and its detectives and lawyers have resigned. Meanwhile, the fenced-in and boarded-up properties have become in so much demand for legitimate lines of business that little of it is vacant.

"There was a lot of loose talk about how the town would get along without liquor revenue but certain taxes were levied to provide funds with which to take its place. These were laid on vehicles, peddlers, etc. So far, there has been no revolution, and the city officials continue to draw their pay. Even the most ardent liquor man will admit that local business is as good or better than before the town went dry. The banks, especially, are having much heavier deposits than before. A new national bank was established by a group of wealthy farmers, by the way, the week after the election was held. Several of my friends, who were formerly in the saloon business, are now selling hats, groceries, insurance, etc., and, on the quiet, will admit that they are better off in every way than under the old deal. The law is pretty well enforced, though I can get a drink most any time I

the hotel. The reasons used for taking this privilege away were two-fold: "First, because it encourages the creation of hotels which can be made profitable as vicious resorts; and, second, because the privilege puts at a disadvantage and practically forces out of business the saloon keeper who does not pay graft money to the police for the privilege of illegal Sunday sale. As a consequence this special privilege encourages vice and bribery."

The Committee of Fourteen sets forth the existence of two needs: first, the enforcement of the law; second, the need of removing special and artificial privileges. As *The Outlook* pointed out, "while the bill was before the legislature it has been charged with undertaking through this bill to extend the practice of selling liquor on Sunday. It does nothing of the kind, however. The practice of selling liquor is already established according to law in New York. What the Committee has undertaken to do is to see that a specially vicious kind of resort shall not have the special privilege of this practice. In other words, so far as Sunday sale is concerned, the bill does not extend Sunday selling but limits it."

Last year a state-wide prohibition law was passed by the Alabama legislature; and a few months ago another state-wide bill, more drastic than the former, was passed; and on November 29th the state election will be held to decide whether state-wide prohibition shall be incorporated in the state constitution.¹⁸ The sentiment of the people in the cities of the State is, in the judgment of one of the league's members, strongly opposed to prohibition in cities. This sentiment is especially strong in Mobile, one of the larger communities, "it being the opinion of

Mobile

a large majority of citizens that local option, high license, restricted districts and limitations upon the number of saloons is a solution of the liquor problem. I am satisfied that the prohibition law in Mobile has so far been a failure. The governor is strongly in favor of state-wide prohibition, and has appointed a sheriff and state solicitor in this county who are pledged to exercise every effort to enforce the law. But notwithstanding the crusade which is being made, the laws are not being enforced, and can not be, in my judgment, so long as public

¹⁸ The amendment was defeated.—EDITOR.

Tammany was effectively defeated in New York at the recent election. It is true, its candidate for mayor, Judge Gaynor, was elected; but the rest of its ticket was decisively defeated. Judge Gaynor was elected not because **Greater New York** Tammany was particularly fond of him, or placed particular dependence in him, but because it was felt that his record would pull him through. As a matter of fact he was the only one of the general or Manhattan Tammany candidates elected.

On the other hand, the Republican-Fusion forces won a victory of far-reaching importance, in that they control not only four out of the five borough governments constituting the city of Greater New York, but control the Board of Estimate and Apportionment, which will have nearly a billion of dollars to spend during the next four years. Moreover, its candidates were of a high order of character and efficiency. Among those who were elected to office was George McAneny,¹⁹ former president of the City Club of New York, a thoroughly well-equipped man. He was for a number of years the secretary of the National Civil Service Reform League, and of the New York Civil Service Reform Association. He was also for a time the secretary of the Civil Service Board under Mayor Low. One of the Tammany leaders said when Mr. McAneny was nominated—"Well, if we are to have a president of the City Club as a borough president, we might as well go out of business." This is just what the Borough of Manhattan (old New York City) will have during the next four years.

Mr. McAneny's colleagues on the successful ticket were largely men of high character and real efficiency, as was also Otto T. Bannard, the mayoralty candidate. With the government of the city of Greater New York, and of the boroughs, in the hands of men of the McAneny type, and with Judge Gaynor in the mayor's chair, Tammany has very little to look forward to in the way of aid, sympathy or patronage during the next four years; for it can hardly be expected that Tammany will be able to control Mr. Gaynor to any considerable degree, unless his character for independence has undergone a radical change.

¹⁹ A vice-president of the National Municipal League.—EDITOR.

and conducted himself with dignity and ability. He gave a reasonable accounting of his stewardship, and set at rest many of the

Jerome charges that had been preferred against him during the past two or three years; but he failed to recover the ground he had lost in the public esteem, or to convince either his immediate audience or the larger audience that was reached through the newspapers that he had done all that he could possibly do in reaching after the man higher up. There is no question that Mr. Jerome measurably improved his position and the public regard for him, but not sufficiently to restore him fully to public favor.

While Mr. Jerome has suffered in public esteem, the many notable accomplishments of his term of office must not be overlooked, and he is certainly entitled to be considered one of the best if not the best of district attorneys the County of New York has ever had. It is to be hoped that other public officials and candidates will follow Mr. Jerome's example and submit their records to the cross-examination of their constituents. While the practice is sometimes subject to gross abuse in England, it is, generally speaking, a wholesome one, and might very properly be introduced more generally in this country.

Philadelphia Philadelphia's election did not turn out to be so close or interesting as was at first anticipated. There was a feeling before election that Mr. Gibboney, the William Penn or independent candidate for district attorney, and his labor union colleague on the ticket for city treasurer, would poll an unexpectedly large vote, the feeling being that while the William Penn Party lacked organization, the trend of public sentiment was toward its candidates, the vote at the primary being cited in evidence. The results showed, however, the contrary; although Mr. Gibboney polled 106,000 votes, a very substantial nucleus for effective work in the future. Philadelphia's municipal situation is by no means as hopeless as many people outside of the city are led to think. The William Penn Party, which is now the real minority party (the Democratic Party having been absorbed partly by the Republicans and partly by the Penn party), has a constituency of 106,000 votes. If the independent forces, however, had availed themselves last June of the opportunity

of the cities of the state will be held in the odd-numbered years, and the election for state and national candidates in even-numbered ones. The separation will be complete; as the sessions of the legislature are biennial, and not annual as in New York.²⁰

Decency was the issue presented to the voters of Atlanta last December; and decency won. The organization candidate for
Atlanta mayor, a former occupant of the office, had many elements of personal strength and popularity, but in his administration had several times disgraced the city by public drunkenness and was, in the opinion of some, responsible for the notorious Atlanta riot. Although succeeding in carrying the white primary on promises of better behavior in the future, he soon broke down, and so shocked the sense of decency in the city that representative men of all classes nominated Robert F. Maddox, a young banker of prominence, a man of high ideals and clean life, who after a vigorous fight was elected to the mayoralty, carrying every ward in the city except two. One interesting feature of the situation that deserves special mention is the support given by the negro voters to the cause of decency. In the words of the *Atlanta Journal*, "the negro voters of Atlanta are entitled to the appreciation of the public for the high sense of citizenship they exhibited in supporting Mr. Maddox and the cause of good morals. It is an evidence of the esteem in which the best elements of our negro population hold the duties of citizenship and the growing regard for higher civic and domestic ideals."

Mayor Grinstead, of Louisville, though failing of re-election on November 2d, has a record of many important achievements,
Louisville including the reduction of the tax, of taking the police and fire department out of politics, a number of sanitary reforms such as the securing and maintenance of a clean and healthy supply of milk, and the adoption of a modern building code and, above all, the guaranteeing of honest elections. Party spirit, however, still runs high in Louisville; and Mayor Grinstead's excellent record was not sufficient to

²⁰ These were prepared and advocated by a committee on which a number of members of the National Municipal League were members.—
 EDITOR.

questioned public spirit and high standards of public and private morality differ radically as to his sincerity. Along certain lines there can be no reasonable question about his having done splendid work, especially along social and charitable lines. His eight years of service as mayor have been marked by an increasingly progressive and intelligent administration of the remedial agencies of the city government. There has been complaint, however, on the part of many, that he has permitted a condition of affairs tantamount to a wide-open city, and that he has been indifferent to far-reaching schemes of municipal improvement; although the physical condition of Cleveland at the present time would certainly seem to indicate that there had been a substantial improvement along these lines.

There is no doubt that one of the factors contributing to Mayor Johnson's defeat was his recent attitude on the street railway situation. After forcing the corporations to a point where they offered terms of settlement which a half-dozen years ago would have been considered, even by the most exacting person, as beyond the reach of the city, he refused to accept the terms and insisted upon his own new ones, which were generally regarded on the whole as somewhat less advantageous than those offered by the companies. I am not expressing my own views in this, but reflecting those of men who, until the last referendum campaign, which terminated on August 3rd last, had supported Mayor Johnson in his street railway campaign, but who, in that campaign and since, have opposed him because of what they considered his unreasonable attitude.

Brand Whitlock for the third time has been elected mayor of Toledo on an independent ticket, defeating both the Republican and Democratic candidates, his majority being **Brand Whitlock** 5,002. Mr. Whitlock was the successor of "Golden Rule" Jones, who had several times been elected on an independent ticket. Mayor Whitlock has made a good record, and has justified the confidence the people of Toledo have placed in him. He has attended strictly to his municipal business, and has not sought to build up a machine, nor to play politics. In this respect his attitude is in striking contrast to that of Mayor Johnson, who not only built up a strong and powerful organiza-

tem, the five commissioners elected eighteen months ago having measurably fulfilled the expectations of them. St. Louis has chosen a new mayor to succeed Rolla Wells, who for eight years gave the city on the whole a most satisfactory administration. His successor, although of an opposite party, is likely to continue the good work begun, and substantially to improve upon it.

There has been a considerable improvement in the character of the city officials, not only in St. Louis, but generally throughout the West; although here and there an unfortunate and notable exception, of which Kansas City may be cited as the most conspicuous. The present mayor of that western metropolis is proving to be a reactionary, and is sympathetic with some of the least desirable elements in the city. The Democrats of Kansas City and St. Louis, who for years have been supporters of the state appointment of police commissions, are now becoming advocates

Kansas City of municipal home rule because the governor of the state is no longer a member of their own party. Kansas City has given some indication of its attitude toward the present mayor by defeating a series of bonds totaling \$4,000,000 which had been vigorously advocated by the mayor. It has a chance to show civic intelligence and independence in its vote on the proposal of the Metropolitan Street Railway Company for an extension of its franchises. Notwithstanding that these franchises have sixteen years to run, the company succeeded in passing through a complacent municipal legislature an extension of sixteen years to make the term thirty-two years in all from the present. The reason given for this extension, which was passed with undue and unseemly haste, and approved with equally undue and unseemly haste by the mayor, but which fortunately must be submitted to the voters of the city, was that the company needs to be refinanced and can do this on better terms with a long-time franchise. The company's proposition is to retain 5 per cent. annually on the valuation of \$33,000,000 (no doubt an exaggerated valuation); to give the city 50 per cent. of all over that return; to give the city representation on the board of directors; to reduce the fares of school children under twelve to $2\frac{1}{2}$ c.; reserving the right of the city to reduce fares generally throughout the life of the franchise. The voters will pass upon this proposition on December 18th.

grown tired of the graft prosecution; but I incline to the opinion that one of the real causes was that the progressive forces were divided, not so much about Heney as about the rest of the ticket and the situation generally; while the forces on the other side were thoroughly well equipped and stood together as a man. Heney has fought against tremendous odds; but it was thought that his personality would triumph over them. The results show that definiteness of purpose and thorough organization are still powerful factors in political campaigns. The independent and progressive element should take to heart the lessons which their brethren in the regular political organizations set before them. They must organize and, above all, they must be willing to lay aside personal differences of opinion as to the details, and be willing to submerge individual interests in the larger good.

A majority of the men elected to the board of supervisors are said to be above the average, and that the outlook is not nearly so depressing as the first returns seemed to indicate.

Los Angeles has made another contribution to municipal methods that is worthy of general imitation. It consists in the creation of a "good government fund," organized for the purpose of giving financial support to worthy movements for good government in Los Angeles city and county. Already \$22,000 per annum have been subscribed by the citizens of Los Angeles; and those in charge of the fund, which is a guaranteed permanent one, feel sure that it will reach between \$35,000 and \$40,000. The announcement that such a fund has been raised and established will unquestionably have a most encouraging and stimulating effect upon the forces for better municipal conditions. It will relieve the men responsible for the conduct of these organizations of the always pressing necessity for funds and enable them to devote their time and attention to carrying out the purposes of their organization.

The developments of the past year have been encouraging. They indicate that there has been no diminution in the quickening of the moral sense of the nation. The outlook for the future is most encouraging; in fact, it may be said to be more

encouraging than for a number of years past. There is a demand on the part of the people for a better administration of public affairs, both in city, state and nation, but particularly in the municipalities. Never before have these problems been so thoroughly and so scientifically and so persistently studied as at the present time. Never, as Bishop Williams has pointed out, were books on these subjects so carefully written or so widely read; never was our periodical literature, even our popular newspapers, so full of serious questions and earnest thought in these directions; never was there such enthusiasm for the solution of problems that concern our common life as a people; and "never were so many of our best men and women giving their minds and their lives, themselves, to the public welfare and service."

The Effect of Immigration on Municipal Politics.

HON. WILLIAM S. BENNET, NEW YORK,
Congressman and Member of the Commission on Immigration.

Properly, I presume, the subject of this paper ought to be the narrower one "the effect of recent immigration on elections in large cities," as I intend confining myself as strictly as the subject permits, to that field.

The effort to measure the effect of a particular class on so complex a question as that of the usual election in a large city, largely and naturally fails, through the fact that a class, large enough in itself to definitely influence an election result, is itself subject to so many differing exterior and contending influences that it is practically impossible ever to say didactically: this thing these particular people of themselves did because of themselves. I think we are beginning, too, to realize more and more the futility of attempting to say of any foreign people among us, that as a class they are wholly bad or wholly worthy, but to incline to judge them not as of a particular race or people, but as individuals, each with a separate responsibility. Nevertheless, there are two great elementary questions as to recent immigrants that persist, that are legitimate, and that to an appreciable extent can be answered:

Two Great Questions

First—How is our country preparing its city election machinery in relation to the present immigration? and

Second—How are our more recent immigrants adapting themselves to and availing themselves of our election situations as they find them?

The first is rarely asked, but is most important. Those who have read Mr. Steiner's description of the gang of newly-arrived aliens led to illegally to vote by the working boss, recall his simple

Many of us inherit both our politics and our religion. A very keen representative in Congress said to me recently, that when a man in his district deserted his father's politics or his mother's religion, it was regarded as the first sign of insanity and that actually it frequently was. We have been trained also in partisanship through great discussions on real issues of the past. We may not entirely approve our own party in every detail, but we have a thorough conviction based on by-gone days that there is much that is worse in the other—this whether we are Democrats or Republicans.

The new citizen has neither political inheritance, prejudice nor scars of conflict. He votes always in the present, sometimes for the future, but never in the past. Being poor, it is quite true that when there is corruption, he is among those approached. Being ambitious, the lure of minor place sometimes weighs with him more than principle. But in the main he thinks. By our own progress we have done more for him than he will ever know. We have taught him that elections are properly approached through thought, and by making them fair, we are teaching him that thought and the expression of it are the most valuable possessions of the elector. The thinking voter necessitates the fit, or at least acceptable, candidate. Our recent New York City election gives us room for thoughtful study of the new citizen. In connection with this, it should be carefully borne in mind that in no great city is the naturalized voter a newly-arrived immigrant. Four or five of our states still permit aliens to vote, some immediately on filing declarations of intention, some on as short residence as six months, but none of these states contains one of our largest cities. In cities, then, the newly-made voter is a resident in this country, certainly for five and usually for more years, before he votes even for the first time. Candidates in foreign-speaking localities frequently address audiences, the majority of whom either by age or alienage are unable to vote. This has a distinct educational value for the future but advances a present election very little.

The 644,000 electors who had the right to participate in our recent election were, thus, either native born or having five years or more residence. Of the 644,000 who registered about 590,000

in his expressed judgment, they were right, not because they might be immediately successful; and opposed others because wrong, though by many deemed expedient.

So far as his appeal proceeded upon the quite different ground of alleged class differences and distinctions, it is wholly to be condemned.

By the educational methods of his ably-conducted newspapers, he did his foreign-born supporters a service, marred, of course, by sensationalism and demagoguery, but still a service of great value.

What we learn, certainly, concerning our most recent citizens from the Hearst vote are these things.

What the New York Election Proved

1. They are independent voters.
2. They are not constrained to remain with the party in power, nationally.
3. Nor do they remain with a party simply because it is usually dominant locally.

4. They are not afraid to sacrifice immediate possible benefit by attaching themselves to a lesser party and temporary movement.

5. They are moved by appeals addressed to good citizenship.

6. They are quite certain to range themselves on the right side on a question of morals.

7. A certain proportion of them are moved by direct appeals, based on alleged class distinctions.

8. The thinly-veiled policy of license advanced by the Tammany candidate did not draw them from Mr. Hearst though he vigorously condemned license and its advocacy.

These things have been proved concerning the immigrants.

Without going into specifications, which are, however, well understood locally, these things were not proved.

1. That he always votes for a countryman or a co-religionist.
2. That he can be invariably stampeded by a race or religious issue.

3. That he votes blindly.

As to all of us who live in large cities, it was incontestably proven that leading candidates should have other than party strength; that our city elections are becoming increasingly non-partisan and therefore increasingly uncertain, and, above all, that

as we increase our election safeguards, we decrease the dangers from and increase a proper trend of the vote of our present and future foreign-born voter.¹

¹ DR. CHARLES W. ELIOT: Before I enter on the subject assigned me, I should like to give you a bit of experience in the City of Boston which has bearing on the subject which Mr. Bennet discussed.

It is a very important question whether persons of foreign descent when casting their vote in an American community are going to follow blindly, either a religious or a racial preference in our elections. A few years ago, largely through the efforts of a single citizen, the Massachusetts legislature changed the number of the school committee of Boston from twenty-four to five—in itself a prodigious improvement. Now Boston is the home of three Roman Catholic races, the Irish, the French Canadians, and the Italians. The Italians have lately come in large numbers, and many of them are from southern Italy and not from northern Italy. What did the voters of Boston do in electing a school committee of five at large? The election was not by wards, but at large. They elected at the very first election, and have maintained the composition of the committee as then determined ever since, two Catholics, two Protestants, and one Jew, and the Jew has lately been the Chairman of the committee. Now is not that creditable to the Roman Catholic majority in the city of Boston? They have a clear majority. Moreover, does it not tell us something encouraging about the manner in which voters of foreign birth will use the power of the voter in our country?

The Immigrant and Municipal Politics.

GRACE ABBOTT, HULL HOUSE, CHICAGO,

Director of the League for the Protection of Immigrants.

In spite of the fact that we are a nation of immigrants, Americans are inclined to resent the claim on their thought and attention which the last arrivals make and in consequence until very recently have not studied the problems which grow out of a complex population. When we do consider the subject seriously a prejudice which has been created in our minds by certain superficial differences between us and them leads to a curiously unreasonable interpretation of all facts. Not long ago I listened to a paper by a sanitary engineer on the relation between the immigrant and the public health. It was based on a study of typhoid fever in a certain city in the United States. The man showed that most typhoid epidemics started among our foreign colonies and spread to other sections. This he explained is because the foreigner has been accustomed to a pure water supply and is therefore much more susceptible to typhoid than the American who has struggled since birth against the diseases which come from polluted water. Instead then of urging this as an additional reason for giving us all decent water he concluded that in the interests of the public health some new basis for exclusion must be adopted. In this way most discussions of the immigrant are diverted and leave the fundamental problem quite untouched. For whether we adopt a literacy and physique test, increase the head tax and do all the other things suggested by the restrictionists, thousands of immigrants will continue to come to us every year.

The legal control of immigration belongs to the national government but the great economic and social questions growing out of our foreign population are local ones in which the national government can be of little service.

Our cities have become great labor markets, supplying for a

for us all he could not see that this devotion to a fixed and rigid system is as dangerous to the American boy as the Lithuanian girl, and I suppose it is impossible to expect him to bring much intelligence to bear on the problem of making our schools serve in the fullest measure the needs of the entire community.

Of the various nationalities represented in our American cities the Germans, Swedes, Norwegians and others who come from northern and western Europe are generally regarded as presenting very few difficulties. They have been coming for the last sixty years or more and have had a chance to make good. Those who come now find prosperous friends and leaders in their own group whose ability have given them a place in American esteem and so do not meet the prejudice which the south European has still to overcome. This has, of course, not always been the case. You will remember that before the Civil War the Native American or Know-Nothing Party, regarding these north Europeans as a menace to the Republic, were able on the demand of "America

**America for
Americans**

for Americans" to build up something of a national party. To-day there is none of this feeling. We have learned that there are, for example, good Germans as well as bad Germans—Germans who are good business men and Germans who fail in everything they undertake, Germans who are unselfishly interested in the cause of good government and others who have time for nothing except personal gain. In other words, we have learned to accept or condemn the Germans as individuals and not en masse.

With the immigrants who come from Russia, Austria-Hungary, Greece and Italy, the situation is quite different. They are unlike the people we have known in certain superficial characteristics—in their dress, food, amusements, etc. We are shocked when we find that the polite and good-natured Greek who keeps a shoe-shine parlor or a fruit-stand has neither the beauty of an Apollo or the statesmanship of a Pericles, and we lament the degeneration of that race. And on such weak evidence as this many people conclude that the present immigrants are "undesirable"—without moral, industrial or political possibilities. They offer, however, other reasons for their belief that the new immigration presents more serious political difficulties than these

years in America. The number of men an alderman can put on a city's pay-roll has been greatly reduced by the extension of civil service, but certain ones still make a business of getting men jobs. Owing to a quite unbusiness-like management of the hiring of men by large employers of casual labor, they are able to get men placed or removed by small favors given the foreman or boss.

**Imperative
Need of a Job**

I remember an Italian who showed me a letter which he said had secured for him several jobs. It was from an alderman whose reign in the 19th ward of Chicago has been long and notorious. It read: "This is a neighbor and a friend of mine, please give him work." And long after that man has passed from the group of laborers who are dependent upon casual and irregular work and has become the prosperous owner of a grocery store he will remember his "neighbor and friend" and do for him whatever small favors he can. This is not because this man and others like him are not interested in the city and country.

Most of them are people in whom emotional patriotism is very strong. Fourth of July is more uproariously celebrated on Halsted street than in other parts of Chicago. Every Sunday the American and Italian flags precede the band that plays the funeral march of some Italian, and the Greek Church for great religious festivals is decorated on one side with the American and on the other with the Greek flag. There have been several election scandals in recent years in Chicago's Ghetto and yet the Russian Jews who live there are giving their evenings to academic discussions of the fundamental concepts of liberty and lamenting American indifference to governmental questions. Undoubtedly here, as in the so-called better districts of our cities, a great deal of moral steam is going to waste because the confusion of municipal with state and national politics and the long list of elected officers make it extremely difficult for the American and almost impossible for the foreigner to cast an intelligent ballot. To expect a Bohemian, after six or seven years' residence in this country, whose time has been fully occupied with holding his job and learning English, who finds a different set of political questions in Chicago from those which he knew in Prague, to inform him-

**Emotional
Patriotism**

To utilize, in the interests of the community, the honest desire of many foreigners for better municipal conditions we should have not only a simplified ballot and wider use of the referendum but the leaders of these newer immigrants should be drawn into the general reform movements of our cities. Realizing that it is necessary to separate municipal questions from neighborhood and party interests through some permanent organizations which would unite all those interested in the cause, city clubs, municipal voters' leagues and national municipal and civic leagues have been formed. Because they are known to be disinterested and non-partisans they have been trusted to give correct statements of the real issues in an election and as a result the path to an honest ballot has been made very much easier for American voters. They have felt the confidence and sense of security which comes with numbers and able leadership.

Our northern and west European citizenship, having been here long enough to establish their political usefulness and to speak English as fluently as any of us, have also had a part in this movement, but the intelligence and eagerness of those who come from southern and eastern Europe is little utilized by our political reformers. Although the naturalized voter is able or is supposed to be able to read, write and speak English, they are all quite dependent upon their mother-tongue and so special time and effort must be given to make them understand what the real issues are. Last winter it was done when the question of voting bonds for a new tuberculosis hospital was submitted. The need of the hospital, and what was more necessary, how the ballot must be marked was successfully explained in their own language to many foreign voters.

The health department, co-operating with the United Charities and the various philanthropic agencies of the city, used the same method of direct appeal in their effort to reduce the death rate among babies. The situation there was exactly analogous to our political difficulties. The mother, more anxious than anyone that her baby might live, had to have it very carefully explained to her why she must not buy milk in pails from her next-door neighbor who was always a good friend of hers, and she had to be told why,

**Sanitary
Instruction**

colony has its socialist paper printed in the language of the colony,
Socialist has its branch organizations which are informed
Propaganda an of the efforts of the other branches in all parts
Example of this country and Europe and feel the inspira-
tion which comes with being a recognized part
of a large organization. As a result of this activity our new-
comers are hearing little but destructive denunciation of existing
conditions and many good Americans are wondering why there
are so many socialists among the foreign born. Trade Unions
have recognized the necessity of working in the same way, and
locals whose meetings are conducted in Italian, Polish or Yid-
dish are not uncommon.

Organizations among these people permanent in character
which would be ready to take up the next issue when or before
the last one has been settled are very much needed. These
organizations should be received into the fellowship of such
leagues as this and encouraged and fostered by our city clubs
as the local foreign trade unions are by their central body. In-
telligent leaders among the foreigners themselves could be found
and much honest misdirected enthusiasm for the cause might
be utilized. If, in such an affiliation between the American and
naturalized American, respect for the political experiences of the
people in both were encouraged other good would result. Little
by little we might come to believe that our Anglo-Saxon ancestors
did not possess a monopoly of all political wisdom and our com-
munity life might become richer by an appreciation of the con-
tribution which others among us might make.

The most superficial knowledge of municipal conditions makes clear the paramount place which the police question occupies among the problems of city government. In the story of American municipal failures the police department has usually played a prominent part. As it has been so is it now. At the present time the police are more often the subject of complaint and of charges of inefficiency, corruption and political oppression, than any other branch of the city government. In so many instances

**Importance of
the Police
Problem** investigation has proved the truth of these charges that the normal attitude toward the police is one of suspicion. Considering the place which the police must occupy in our municipal life, the situation may well be considered dangerous. Of all departments of the city government that of police comes in closest contact with the daily life of the people. To the rank and file the policeman is the exemplar of our governmental system; "he is a reality that the most ignorant can comprehend, and upon his impartiality, efficiency and intelligence depends the estimation in which the law is held by the masses." It is not too much to say that the police, more largely than any other organ of government, influence public and private morality and fix the standard of civic ideals. For this reason alone the creation of a trustworthy and efficient police is one of the most important tasks confronting the modern city.

The police problem, in the sense that the term is here used, may be divided for convenience into three parts: (1) The control of police. (2) The organization of the police force, including such matters as recruiting, training, discipline and distribution of the force. (3) Police duties. The question as thus outlined is of great magnitude. This, together with the limits that must be assigned to the discussion, make it necessary to choose between a hasty survey of the entire field or a more detailed consideration of some one portion. The latter course has been adopted and this paper will confine itself to the division first mentioned. In the discussion of the control of police which follows an attempt is made to examine and determine the value of the expedients by which it has been sought to hold the police to the performance of the service for which they were created.

Among the officers who perform police functions sheriffs and constables are commonly regarded as having something more than a local character. The explanation is to be found in the fact that, in the simple and uniform society for which those offices were created, local governments with large power to make regulations to fit local needs were unnecessary and, consequently, the law enforced by sheriffs and constables was almost entirely general law. On the other hand, the circumstances surrounding the establishment of urban police have served to obscure the fact that they are, in large measure, merely a multiplication of the sheriffs and constables of the rural districts. Historically the police have come in with the special provisions of government created to meet the conditions peculiar to urban life. It is seen that they are expected to enforce the ordinances enacted by the local council to meet local requirements. This, together with the fact that under our system of administration sheriffs and constables are continued in the cities alongside their more numerous co-laborers, has given color to the idea that the police are purely a local body. The distinction is a fictitious one. Except that the sheriffs and constables have retained their historic position as officers of the courts in civil matters and that the police enforce the local ordinances, the functions of the two bodies are almost identical. The sheriff and constable on the one hand and the police on the other find their most serious duties in the enforcement of laws enacted by the state legislature and intended to operate uniformly throughout the state. The broad domain of criminal law has rightly been occupied by general legislation. In addition the state legislatures have encroached to such an extent upon the sphere of law-making which might properly be left to the cities that the importance of the police as the enforcers of local law has been greatly reduced.

Thus the interest of the state government in an honest and efficient police force is permanent and vital, for it is not only the right but also the duty of the state to see that its mandates are obeyed. If a city police force proves a derelict agent, the state cannot rightfully be denied the power so to control the situation as to insure the execution of its will.

**Police not
Merely Local
Officers**

Certain careful observers of the effects of urban life believe that one of its results is to decrease the capacity of the people for self-government. They point out that it encourages habits of dependence—a tendency to shift the burden or to confront it apathetically—in other words that urban life, at least in some measure, deprives the people of that self-reliance and keen interest in political affairs that are so essential to vigorous and efficient popular government. There are some who seem inclined to regard this tendency as strong and ineradicable. Just in proportion as that view is accepted there is a disposition to consider the cause of self-government for cities as more or less hopeless, to restrict their powers of government and to deprive them of any function which may not have been exercised with a fair degree of success.

**Urban Life and
Political
Capacity**

In working out a proper relation between the state and the city, care should be taken to avoid the extreme conclusion just stated. Many of the defects of political character found in our city electorates and attributed to this inherent contagion are clearly due, in considerable measure, to more superficial causes. Moreover the strength of the harmful influence of urban life on the capacity for self-government has been greatly overestimated. Even such as it is, if it cannot wholly be eradicated, it is not beyond the reach of the ameliorating influence of remedial measures. However, granting that it is a strong and permanent force undermining the capacity of municipal electorates, it would not be the part of wisdom to yield to such an insidious sleeping sickness by withdrawing from the control of the cities those things which they are disinclined to undertake. We should need rather to add a new tenet to the creed of municipal reform. Hitherto we have preached the doctrine of the right of municipal home rule. It should be declared in addition that if the cities will not undertake self-government as a right it must be forced upon them as a duty; that if there is apathy the people must be stung into activity by making them feel the ill effects of carelessness and inaction. Any other policy would be shortsighted in the extreme for what is here involved is not the welfare of the city alone but the success of democratic government as a whole.

conomic success was not only taken as the standard but there was a galling assumption that all other types were inferior. Efficient city government, while not necessarily regarded as undesirable, occupied among the things to be achieved a position of third-rate importance. Indeed during the darkest days of the period we were dangerously near taking the position that decent government and economic progress might be antagonistic conceptions and that if they came in conflict decent government must give way.

There are still lingering shadows of this damning principle of popular judgment though we have made rapid gains in the direction of a more healthful view. Just in proportion as this old misconception remains we have apathy or improper action in the treatment of municipal questions. Progress in American cities is in no small measure due to the acceptance of a juster standard of values. Clean, honest and efficient city government is gradually being accepted as an achievement second to none. There are glimmerings of evidence that a career in the service of the city is coming to be regarded as something worthy of public acclaim. Once that conception becomes firmly established in the popular mind there will be no dearth of men of character and ability willing, even eager, to make the pecuniary sacrifice involved in entering the service of the city. At the same time the municipal voter will tend to lose his apathy and become more effective, because he will feel that in the exercise of the suffrage he is performing a function of first-rate importance.

The bearing of the foregoing discussion upon the problem of the control of police scarcely needs be pointed out. Briefly stated it is this: Before we become disheartened at the political incapacity or perversity of city populations and withdraw from their control important functions of government we should assure ourselves of certain things. It should be clear that the defect is inherent, that it renders the performance of the duty in question impossible without great danger to the body politic, that it is largely beyond the reach of remedial measures and that the new arrangement is not capable of equally great evils. It is not sufficient that the assumption of a former municipal function by the state will result in more efficient service. In a dem-

The defects of absolute local autonomy in the matter of police administration are gradually gaining recognition. As yet, however, there is an inclination to regard the difficulties which have arisen as peculiar to certain cities or classes of cities and to single out these for special treatment as against the remainder of the state. When the state has felt it necessary to intervene the remedy applied has almost without exception been the same—the city has been completely deprived of the management of its police. At one time or another nearly all of the more important cities of the United States have had the control of their police departments placed in the hands of state-appointed officials. With that measure our ingenuity in providing a system for the control of police seems to have come to an end. The tendency has been to fluctuate between the extremes of complete local independence on the one hand and no local independence on the other. In fact, the history of police in American cities seems to indicate that there is at least a strong undercurrent of belief that absolute state control of local police is to be regarded as merely a temporary intervention, warranted by unusual conditions, and entered upon with a view of ultimate return to a normal condition of local autonomy.

The belief in local independence in the matter of police, or at least a lack of belief in complete state control, may account in part for the fluctuating policy which has been indicated. An additional reason is to be found in the fact that neither of the extremes has proved continuously satisfactory. The defects of local control have been sufficiently emphasized. A careful study of the experience of various cities under state control leads to the conclusion that, in general, it has shown itself open to very serious objections. Boston alone, among the cities now having state police commissions, seems to have come nearest to uniformly satisfactory results. The fair measure of success in Boston, however, may be attributed to circumstances making for satisfactory state action in local matters that are unlikely to be duplicated in other states and some of which can scarcely be expected to continue unchanged in Massachusetts. In Baltimore, St. Louis and Kansas City, to name the three other large cities where there

Enough has been said to indicate the weakness of complete local control of police on the one hand and of complete state control on the other. There has been no serious attempt in any of our states to devise a system which would avoid the evils inherent in both. What is needed is a plan whereby the state can secure the execution of its mandates while preserving to the city the great advantages of independence in local matters and the valuable training which comes from the performance of an important function of government. The principle to be followed is clear. The city should have a right, a continuous right, to self-government; the state should be able to secure the thorough and uniform enforcement of all state laws.

A Plan of Control

There appears to be no method by which such a program can be carried out in its entirety except by leaving the police in the control of locally-appointed officers but subject to strong powers of state supervision. The following is an attempt to embody in brief suggestions the main features of such a plan:

(1) A police commissioner should be appointed in each city by the mayor. His term should be during good behaviour and efficiency and he should be removable by the mayor only upon a full written or printed public statement of charges.

Such an arrangement would make it possible for the city electorate to fix responsibility for police conditions definitely on the mayor. The plan in that regard is simple and understandable. The police commissioner is given an indefinite tenure of office because, rightly considered, his is not a political position and we need to foster the idea that there is no question of policy involved in law enforcement. An indefinite tenure would tend to promote efficiency in the commissioner and through him in the police

Local Officers force. Recent experience in New York has shown how important it is that the police commissioner be left in control long enough to carry through any reforms that may be needed. It has also demonstrated the impossibility of freeing a police force from improper political influence when the commissioner is frequently changed. The power given the mayor to remove the commissioner for cause is a sufficient safeguard against corruption or inefficiency in so

The results that might be expected to flow from a system of state inspection can scarcely be regarded as a matter of theory.

State Inspection Central inspection of schools has long been used with great success. State inspection of local accounts is proving of the highest value even where the inspector has no power except to make public his findings. In fact the chief value of inspection does not lie in the possession of coercive power to correct improper conditions. Its greatest usefulness comes from the ability to determine and make public exact conditions, to fix standards of service and to give expert advice to the local official.

While central inspection may exert a powerful influence upon local administrations it can be made to accomplish its purpose without interference with any proper measure of home rule. Even with a rigorous system of inspection the locality can and should be made responsible in the first instance for the quality of government secured. Home rule, properly understood, is not violated if the state merely insists upon full publicity regarding local conditions, shows the comparative cost and efficiency of the same service in different communities and provides a system for advising local officers.

(4) There should be a small but efficient state detective force to assist the governor in informing himself regarding local conditions, to prosecute violators of the law in case of failure to do so by the local police and to furnish expert detective service to the small towns and rural districts when needed.

Inspection alone could not always be depended upon to furnish the governor with that intimate knowledge of local conditions on which to base the exercise of the removing power which has been suggested. A small force of experienced officers under his immediate command would supply this deficiency. The number of detectives need not be large for the usefulness of such a force would not depend upon its size but chiefly upon its effect on the local police authorities. Knowledge on the part of the mayor, police commissioner and sheriff that the governor had at his command a means of informing himself as to the manner in which they were discharging their duties to the state could be relied upon to stimulate their activity in the enforcement of state laws.

Police Promotions.

By ARTHUR WOODS, NEW YORK,
Formerly Deputy Police Commissioner.

Although the civil service method of appointing new policemen to the force is undoubtedly successful, the method of promotion to higher office needs improvement. To train men especially to be officers, in other words, to establish a police West Point, seems to be impracticable. The officers must be taken from the ranks. To be successful, this method must operate so that promotion shall go to those men who have done the best police work, work that shows them fit to command. Nothing can be more important to the honesty and efficiency of any body of men than the conviction in the minds of the men in the ranks that preferment will go to those that deserve it. No favoritism must enter into the choice. This is essential, but alone it is not enough; it would leave too much to luck. It is also essential that the best men be chosen. The test for promotion, therefore, must be fair, and must select the best fitted men.

How does the civil service test measure up in the light of these requirements?

As far as ruling out favoritism goes, it is clearly good. The discretion given to the commissioner of choosing one out of three from the list makes possible a certain amount of abuse, especially if he waits before filling vacancies till he has a long list of candidates. Still, the system goes very far toward eliminating favoritism.

Favoritism As a means of selecting the best men, however, it is almost a failure. The general theory of the test would indicate this, aside from its practical working. The three elements entering in are the man's record, his length of service, and his success at passing a written examination.

The records are worthless. To a man's credit is placed nothing but extraordinary deeds of physical courage. These are usually accidental opportunities which would have been equally well met by most of the men on the force, for there is no lack of physical

valueless, or even that it would not be valuable if viewed together with an accurate record of the candidate's past performance. As the situation stands, however, the written examination is the only element in the whole test that has a chance of reflecting at all the candidate's capacity. The other two elements, while in individual cases they may show up the man to be good or bad, as tests to apply to the whole force are not comprehensive enough to be fair to the men, or to help in choosing the best officers. The whole test in practice simmers down to a written examination, tempered by accidentals.

Great business organizations, which employ thousands of men, offer in many points a parallel case. The head can't know his men individually, and many promotions have to be made. Yet probably no such organization in existence uses the tests specified by law for the police department. It tries its men, by tests that are conclusive, and promotes only those who prove that they can take the higher responsibility and that they can take it better than the next man. The result is we hear few complaints of incompetency in high places.

Experience, too, agrees with theory and example as shown above, in indicating that the present police system fails to choose the right men. Though some of the high officers on the New York force are able men, there is many a patrolman walking the streets who is far better qualified to command than some of the captains. The last examination for promotion to the rank of sergeant showed the inadequacy of the promotion test. It was entered into with enthusiasm by thousands of patrolmen. Its excellence as a written test, and its honesty, are absolutely vouched for by the fact that the president of the commission gave it his personal attention. The civil service system could not have a chance to work under more favorable auspices. Yet, though some good men came out near the top, so many other men, whom the commissioner and his deputies had found peculiarly qualified, were down toward the foot, that it seemed as if there must have been some mistake, as if the system must have worked wrong. It hadn't, we found; on the contrary it had worked unusually smoothly. And this very smoothness of working showed that,

Failure of Present Tests

even at its best, it couldn't produce the product it was meant to produce.

But was it ever designed to choose the best? Isn't the present civil service system rather the result of a splendid and largely successful attempt to knock out dishonesty and favoritism from the public service. Its creating **Dishonesty and Incompetency** purpose was not to promote efficiency, but to prevent dishonesty. In the process it helps along efficiency all it can, but this is secondary. It has even been harshly criticized as a step from dishonesty to incompetency, as an effort, probably unconscious, on the part of well-meaning citizens to relieve themselves of the responsibility of electing the right men to office. The grain of truth in this criticism is too large; we cannot stop where we are. My argument is not against civil service reform as a principle, but is against it as a goal beyond which it is not worth while to strive, as a *sumnum bonum* of attainment. And the need of another forward step shows up nowhere more strongly than in police promotions.

One is reluctant to criticise an existing system so frankly when one has no immediate substitute to offer. The logical system to suggest would be that used by large private organizations, namely, the giving of power to the head of the department to promote the men he has found most worthy. The objection to this that has been deemed valid is that it would give to a bad commissioner too much power. The situation is, however, too humiliating to be tolerated except as a step from something worse to something better. In the effort to draw the teeth and file the nails of an incompetent, dishonest official, we seriously blunt the powers for good of a strong, honest commissioner. It would not be hard so to limit the powers of the head of the police department that he wouldn't figure **A Strong Commissioner** much any way, either for good or for bad. The better alternative is to clothe the office with powers that shall make the commissioner strong, on the theory that, if he is the right man, he should have the power, and that, if he is the wrong man, the very fact that he has the power will show him up.

Even a capable police commissioner, however, given the power to dictate promotions, would be badly handicapped in New York

if he tried to apply business methods, to be fair to every man and choose only the best. His eye could not see far enough; he would have to trust to records, and to recommendations of superior officers. It is clear at once that this would not do. A man's immediate superiors in the police force might not be sufficiently disinterested. They might allow considerations of private rather than of public service to affect their estimates of a man's fitness for higher office. But there is no other way by which the commander of a large body of men can reach the rank and file, to find out comprehensively, giving the most far-off man an equal chance with the nearest, which ones among them most deserve to go higher.

Manifestly, then, something is wrong with the police system. It is far from enough to appoint the right man police commissioner—it is necessary in addition to see to it that he does not have to work against impossible conditions. The fault is not merely with the method of promotion. It is more radical. For I have tried to show that even a comparatively ideal plan, directed by a capable man, would not work under present conditions. In other words, before we can hope to improve much our ways of promoting policemen, we shall have to do some work on the foundations of the police system, so that we can build on something that will hold. It would not be proper to go into this in detail, as one would like to, in a paper on promotion. I cannot resist the temptation, however, to discuss for a moment two points where the police system of New York should be changed. These are probably also fairly illustrative of the situation in other cities.

The police are charged with the duty of enforcing the laws regulating the excise, gambling, and prostitution. These prohibited, or regulated, vices are the great sources of police corruption, and it is only in part the policeman's fault. A literal enforcement of these laws is impossible; it is not expected by a large majority of citizens; and not desired by probably at least a majority. How then can you expect your policeman to do what you admit is impossible, and what he knows is not really meant, The question to be considered here is merely how this affects the police. The answer is that the connection must be broken. This can be done in two

Enforcement of Laws

ways: by making laws based on reason, and backed by the community, or by relieving the police of the duty of enforcing the present unreasonable laws. The latter expedient would be confessedly a makeshift, as whatever force should be entrusted with the duty of enforcing such laws would become corrupt, the guilt lying infinitely more with the laws than with the officers of the law. However, such a shift would rescue the police force from this debauching work, and it is to the police that we must look for the protection of life and property, the maintenance of law and order.

The other point in which change is needed is in the matter of the police commissioner's tenure of office. In New York he is a mere bird of passage, usually flying so fast that the men under him hardly have time to determine his species. This is fundamental. The policeman feels that he must hedge all the time; he doesn't know how soon he may be called on to enforce a totally different policy. If he becomes known as having been particularly faithful to duty under one commissioner, he is apt to fall under great suspicion when commissioners change. He doesn't know where he stands. If the New York police force could be convinced that they would be judged by one standard for a period of 10 years, and that that standard assured police preferment to those who should do the best police work, the efficiency of the force would rise 100 per cent. in 24 hours. The men would feel that at last they had a chance, that they could go ahead and do straight police duty, without having to kowtow to anyone, and without having to take orders from anyone except their official head. But as long as the force is ruled by transient commissioners, a policeman will of necessity feel that his wisest course is to humor them so far as is necessary to avoid trouble, but to do nothing that shall make himself *persona non grata* with Tammany Hall, the power that makes and unmakes commissioners.

My contention is, then, that to be fair to the policemen and to get the best police service, the aim should be to institute a method of promotion whereby the most deserving men shall be selected. The present method stops short of this, since it cannot do much more than guarantee no favoritism. The mere changing of

method, however, can hardly be very effective till the police organization itself is taken out of politics, is placed on a basis where its official head is its actual head and where it is freed from the duty of enforcing corrupting laws.

and honest heads of departments, they regretted to say, had failed to disclose, had apparently been unable to prevent, and, in several cases, had actually furthered dishonest practises which had come to their knowledge but from which they got no profit, except their continuance in office. With it all we see most conspicuously the mingling of politics with what ought to be the expert administration of details.

Now, how is it in the cities of Europe and Great Britain? There we find high grade, especially trained experts, carrying on the detailed administration, with continuity of service and policy, and no mingling of politics with this expert branch. There we find a clear separation between the political executive and the expert administration; and it is also worthy of remark that this is almost the only important feature in common, as the kinds of municipal government differ in those countries. For example, in Great Britain, for the most part, the political executive work is carried on by committees of the municipal councils, which are also legislative and appropriative bodies, the mayors being mere presiding officers, and a pretty broad electorate. In France, the mayor, called in Paris the prefect of the Seine, is the chief political executive. Except in Paris, the mayors are elected. The city councils, also elected, are the legislative and appropriating bodies in all the European cities. For Paris and three of its suburbs, the prefect is appointed by the national minister of the interior, partly on the theory that the national government appropriates large sums of money for the capital city, just as Congress does for Washington. In Germany, the city councils select a mayor who is not a political executive but rather an expert in municipal administration, sometimes chosen for a long term of ten or twelve years or so, and sometimes practically for life, frequently having served successfully for years as mayor of a smaller city, and then called by promotion to administer the larger one. The elective franchise in Germany is far more restricted and property holding given a larger influence than in the cities of either Great Britain or France. The one common feature of all, differing as they do in other respects, is the employment of high grade, expert administrators, their permanent tenure of office, and the separation of

**Foreign
Efficiency**

objections to all the work done, can ruin the independent outside contractor. Indeed, it might as well be published with the advertisement for municipal competitive contracts, "No contractor unwilling to divvy need apply." In these ways and by "split contracts," "straw bids," and other well-known devices, laws requiring competitive bids are evaded or nullified, and the municipal contracts and purchases of supplies are kept in politics, with easy opportunity for large, fraudulent profits.

The supposed expert administrators, for the most part, are men without the necessary education, training or experience, whose chief bringing-up has too frequently been in the saloons and ward politics. As to the "motives that affect the actions of men," these would-be experts, even when capable and honest and when not compelled by their chief executive, are practically forced into politics, as already shown, from their own natural desire for the success at nominations and elections of the political forces that put and keep them in office. They have not only to distribute contracts and the purchase of supplies, for political purposes, but they seek to thwart the civil-service laws and to secure as many exempted positions as possible in order to increase their political patronage. They dare not enforce a day's work for a day's pay among the city laborers who are voters. They resort to complicated methods of accounting, as far as the law or evasions of it will allow, so as to conceal extravagance.

The well-meaning mayor and his political experts do not have to build up a political machine. They find ward leaders already on hand, who control the nominating machinery of their respective districts by appeals to party and race prejudice, religious differences, and by securing favors for a large following, building up an extensive acquaintance and gaining popularity in numerous ways, sometimes unobjectionable in themselves, but all for a purpose. These ward leaders ask favors for themselves and their henchmen and it is hard to resist them. It is soon found that these ward politicians and leaders of combinations of wards have far more to say about the nomination and election of a mayor and aldermen than the ordinary business or professional man in ordinary years. Indeed, the support of these leaders is frequently indispensable for retention in office, either for the mayor

positions of chief experts we might otherwise have, so that our loss is twofold.

Municipal records are often not complete or trustworthy. The Commission to investigate the feasibility and desirability of damming the mouth of the Charles River in the vicinity of Boston, for example, found that the city plans and records in regard to the drainage system were so faulty as to be valueless and new plans based on fresh surveys had to be made. I do not refer to the Metropolitan Sewer Board's plans.

The idea of separating the political from the expert administration was presented to the first Boston Finance Commission, and was received with marked approval; but later, they were moved to modify this policy by arguments from influential and high-minded citizens on the theory that such separation would diminish the "*responsibility*" of the chief political executive. In the charter which they recommended, and which has passed the Legislature, the would-be experts are pretty much in their old position of being mingled with politics, their terms of appointment, like the mayor's, are for four years, they cannot be removed *during their terms of office*, except for reasons filed with a chance to reply, but at the end of their terms, hold at the mayor's pleasure, their salaries may be lowered or abolished altogether by the mayor and city council and in case of vacancy the mayor may appoint whom he wishes, with the one obstacle that new appointees must qualify before the civic service commission. A qualifying test, however, has been shown again and again, in many years of past and recent history, and in numerous countries, neither to take the appointments out of politics nor to secure permanency of tenure; nor high ability; at best it keeps out the absolutely incompetent; so that, after all, the commingling of politics with expert administration still exists in Boston's new city charter.

As this idea of responsibility seems, in the minds of many not only in Boston but elsewhere, to be opposed to the idea of separating the expert administration, let us examine a little more carefully into this "*responsibility*".

In its report, the Commission gives as an illustration of success-

others in case of any defect of plan or inefficiency of execution " was feasible. I don't believe there is a man living who can to-day successfully carry that sort of responsibility for " defect of plan or inefficiency of execution " for one of our large, modern cities, nor is he held up to it by the voters at the polls. Indeed, that Mayor Quincy kind of responsibility, as President Eliot has well said, is to-day " a myth ".

It may be questioned whether the kind of " responsibility ", which means that the political executive must have a hand in appointing all his would-be experts, which was proper enough in the simple days such as those of the first Mayor Quincy, has not become a useless appendix to our present complex administration, causing disease and danger, and only fit to be cut out from our modern plan of municipal government. We give unlimited responsibility and in practice the politicians exercise it.

**Responsibility
Dangerous**

One step further; it is worthy of treatment by a separate thesis whether we secure as great practical responsibility (for responsibility somewhere of course we must have) to the public, when the expert administrators are appointed by the political executive, as when they are somewhat independent. When the appointees have been to blame, those responsible for their appointment are inclined to whitewash, as witness the " star route," whiskey and postoffice investigations by Congress, whose nominees were the ones involved.

Another important reason for this partial independence of tenure is the desirability of separating the appropriating from the spending functions of the city as far as possible. As long as a part of the appropriating side is directly responsible for all the spending, then waste and extravagance are made up and " glossed over " by larger appropriations. But if a somewhat independent board is to spend, will it not be held strictly to appropriations made to fit the needs, not the extravagances, of detail administration?

What, then, under a system of separation between the political executive and the expert administrators, would be the responsibility of the chief political executive? It would consist in laying out the budget, based on reports from and interviews with the

complished all this by using the experts already in the employ of the railroad, who, under former presidents, had been carrying on the very reverse, in some respects, of the new policies, and he did not bring in new men to these higher positions. He promoted some of the best ones, and inspired them all with new ideas, encouraging their best efforts and criticising wisely anything short of the best attainments. They responded splendidly to such treatment, and behold the practical results!

In order to be sure of the facts, I wrote the author of the article, an acknowledged master of railroad affairs, and he replies that not only did Mr. Harriman use none but the experts already in the employ of the roads, including even his chief counsel; but that also "Mr. Hill, in taking over the Burlington, kept Mr. Harris to head it, putting his own traffic man, Mr. Miller, in charge of traffic, but keeping the traffic organization of the road and its personnel intact."

"I think it safe to say," goes on the author, "that no eminent railroad organizer has ever done other than to make use of all the available material found in office."

In these two greatest railroad reorganizations under new presidents and boards of directors there was no change in the experts in one road, and only one change in the other.

But, further, in order to give the necessary somewhat permanent tenure and partial independence from politics to the experts, the tenure should be for good behavior and efficiency and the power to remove or diminish salary should be made for cause only, not cause established by court proceedings, but under some assurance of such publicity as will restrain its improper exercise.

It has been objected that, in business, the power to remove is unlimited. In business, however, the absence of political pressure on the one hand and the presence of the individual "pocket nerve" on the other are real and effective restraints, while with a chief municipal executive, the presence of political pressure and the absence of the "pocket nerve," need to be offset by reasonable requirements of publicity.

The power to appoint, remove or diminish salary without cause, and the power to interfere in detail may be of advantage to a

frauds, got very little blame for the acts of his superintendent of streets, whom he had appointed. Let us look a little closer. This official, appointed by Mayor Collins in his first term, had raised a large sum of money for the re-election campaign of his superior, and if Mr. Collins had cared to know, he could have found out that the main contributors were municipal contractors and others having dealings at City Hall, and it was Mayor Collins that signed the orders making the Fenway extravagance and frauds possible, by which some of those contributors reimbursed themselves, yet he was not *supposed* to be personally involved. What became of the mayor's "responsibility" in this case? On the death of Mayor Collins, which occurred not long after the Fenway exposures, his administration was eulogized by prominent men of all parties and walks of life, and there has recently been erected to his name an imposing monument in the most fashionable part of Boston, the inscription being written by one of the foremost men of the country. Are we not right in saying that the imputed responsibility for acts of appointees is a myth?

The proposed system, however, is not a division of responsibility; it is rather a separation of responsibility, fixing it more clearly and definitely than before, and where it really belongs. The permanent expert, whose professional reputation depends upon the success of his work, is to be responsible for what the first Mayor Quincy called "defects of plan or inefficiency of execution" of details.

**Separation of
Responsibility
Desirable**

But it has been claimed, as an objection, that these expert administrators should be also partly cabinet officers and political advisors of the mayor, and for *that* reason should be appointed and removed by him with perfect freedom. It is conceded, nay more, we claim, that the mayor (if the chief political executive be a mayor) should have the power to select a cabinet of political advisors to help him decide on the budget and policies, and to supervise and criticize the departments—that is, the mayor and his political cabinet would, in the words from the "Modern Symposium," be the means of control "by an alert and intelligent public opinion." There should always be, however, a clear distinction between the political executive with his political advisors

United States, our chief executive, elected by the people, has the responsibility, exercised through his secretary of war, of carrying out all the harbor and river engineering work appropriated for by Congress. This is all done by army engineers, of West Point training and education, already in office when the President and his cabinet come in, and his power of removal is limited in practise just about as much as is proposed for the municipal expert administrators; yet there is no shirking of responsibility on account of the practically permanent tenure of army engineers, or because the President has not appointed them, and the work has been thoroughly, efficiently and honestly done. The great work on the Panama Canal, since it has been put in charge of the army engineers, has certainly been going on smoothly, rapidly, economically, efficiently and with less "fuss and feathers" than ever before.

To be sure, the President of the United States can assign an army engineer to other duties; but even then, the list of army engineers eligible for a place is extremely limited, and in practise the changes of duties are based on seniority and experience.

Again, it has been objected that, to avoid the ills of "mob" bungling of technical administration, we fly to red-tape bureaucracy; but experience had demonstrated that, by the scientific adjustment of the representative and administrative spheres of action, we may have the best permanent, expert service, ambitious for fame, kept at its highest efficiency and initiative, by an appreciative and exacting public, interested in getting the best results, and acting through its political representatives endowed with sufficient powers.

As this co-ordination is important, allow me to state it in another way. Let the public act within the scope of its ability and the experts within the scope of theirs, each influencing the other, and then we can secure democratic home rule, without danger to efficiency, economy and honesty.

Before closing this paper, I wish to touch shortly on two other causes commonly assigned for the failure of efficient and honest government in our cities. One is the want of sufficient salaries, and the other is the lack of property qualification for municipal voters.

As to salaries for the would-be experts, it is undoubtedly true that they are usually too low ; but on the other hand, we see most
Salaries able experts working on small salaries as heads of some of the scientific bureaus of the United States government and as professors and investigators in our universities. Again, many of the salaries for the heads of municipal departments have been raised without corresponding improvement. The offices are still in politics. The high salaries have not frightened away politicians.

In the case of the superintendent of streets under Mayor Collins in charge of the scandalous Fenway work, his salary was \$7,500 a year. His successor, appointed by Mayor Fitzgerald, was a man even less fit for the place.

As to the other cause assigned, namely, our lack of property qualifications in municipal government, if restricting our elective franchise is our only remedy, reformers might well despair and abandon further effort, as there is precious little chance that the franchise can ever be cut down. The fate of Coriolanus in Rome is likely to follow anyone who would undertake his experiment here. Besides, while admitting that the property qualification would probably result in better economy in city administration, if it were established, let me ask two things—first, does history, past and present, show that government by the wealthy is always free from corruption ; and second, if we had property representation, would it not adopt this very separation of the expert administrators, as it has done in Germany, as the first and best means of securing good city government ?

So far I have advisedly used the term “ chief executive ” of a municipality, rather than mayor, because, whether that chief executive be a commission or a mayor alone or a mayor with a politically-selected cabinet, or committees of a city council, whether of one or two chambers, or a combination of several of these, there will still be the need of educated, trained and highly specialized experts, with pretty permanent and somewhat independent tenure, to carry out our numerous municipal undertakings with as little intermingling of politics as is reasonably possible, for the very protection of such future executives as mean well, and the better chance of getting good ones in.

Should our plan be adopted, let me recapitulate some of the objects which would be attained.

(a) Securing for such positions experienced men of high character and training in place of men without the necessary knowledge, whose chief bringing up has too frequently been in the saloon and in ward politics.

**Summary of
Suggestions**

(b) A tenure based on merit and fitness, instead of subserviency to political powers through whose favor the position is held and who demand favors in return.

(c) Heads of departments who believe in the merit system and wish to enforce it, in place of spoilsmen seeking to avoid and break it down, and to circumvent the civil service commission.

(d) Municipal contracts honestly and efficiently made and strictly enforced, in place of contracts so carelessly drawn and carried out as to open opportunities for fraudulent profits to influential contractors.

(e) Clean streets and better security for the public health, such as Col. Waring gave when in charge of the streets of New York.

(f) Economy¹ of being free to get a day's work for a day's pay.

(g) Encouraging engineers and scientific men to take municipal work and keeping them in office, instead of discouraging them with the prospect of political wrangles and turning them out to make room for those of more political influence.

(h) Offering to capable and specially-trained experts a career in municipal work.

(i) A chance of promotion that will attract capable young men for the positions of assistants.

(j) More independent supervision and investigation by the political executive, as the expert administrators are themselves somewhat independent and responsible for their own departments.

(k) A separation of the appropriating from the spending functions.

(l) An accounting that will show the cost of public work done, instead of methods intended to conceal extravagance.

¹ The counsel for both new and old finance commissions of Boston, recently stated that \$10 are lost by inefficiency to one dollar lost by fraud.

(m) Continuity of public works conceived on broad plans for the future, and not makeshift and vacillating policies with reference to temporary political expedients.

(n) More definite fixing of responsibility between the political executive and the expert administrators.

(o) And finally, taking all forms of spoils, both patronage, law enforcement and contracts, out of politics, removing the motives that induce the machine politician to keep his hand on the throttle, and so making it easier to secure good chief executives.

So important is it to create a public sentiment in favor of the separation of the political, or public policy determining executive, from the expert administration, for the mutual benefit of both, that, for the present general purposes, I shall say nothing as to the means by which this separation may be brought about and maintained, for fear of distracting attention from the desired result. If, then, this distinction is correct in theory, and the separation desirable in practise, let us set to work at once to create the necessary public opinion; and if there is reasonable hope of securing the good results set forth in this paper, is it not a cause to arouse all our enthusiasm and inspire our noblest efforts?

Essential Principles of a Building Code.

**By LAWRENCE VEILLER, New York City,
Formerly Deputy Tenement House Commissioner.**

If, as frequently stated, the tariff is the mother of trusts, then building codes may be said to be the foster mothers of municipal corruption. Tariffs and building codes are very much alike. Each is nothing more nor less than a gigantic specification—and each special “interest” does its best to see that it is taken care of in it. No greater corrupting influence is exerted upon municipal government than this. Few cities can boast of a clean building department and there are few building departments that are not dominated by sordid influences.

New York has but recently witnessed revelations of a sinister nature in this field.

Last summer public attention in that city was centered upon a building code presented to the community after two years of work and the expenditure of several thousand dollars. But the public discussion which revolved around it turned not upon the merits of the code, not upon how effectively it would safeguard human life or the public health, but solely upon whether the Murphy interests or the Croker interests would prevail, whether “hollow tile” would drive “cinder-concrete” out of business, whether a special kind of paint, and a patent fire-nozzle would be foisted upon the community.

No piece of local legislation as a rule approaches in importance the enactment of a proper building code. Upon the soundness of its provisions depends to a large extent the future character of every city and the prosperity, health and social welfare of its citizens. Upon the wisdom with which it is drawn will rest the determination of the city's future growth, and the manner of that growth.

Affecting as it does so closely the homes of the people, their places of labor, of public assemblage, of recreation, it becomes of vital importance.

these advantages or who are unwilling to adopt the methods employed by their less scrupulous rivals, and ultimately a situation develops by which a few firms of architects and builders are able to control the entire business of a community.

In this subject is wrapped up nearly everything of importance in a building code. There is little use in providing with minute care for the thickness of walls of certain heights, the methods of building fire-stops, the way in which plumbing shall be vented, if at the same time you give to your enforcing official the power to change all these requirements in his discretion.

Further forms of favoritism are found in practices which flow from this situation, some of which have become the more accepted and most successful forms of modern municipal corruption. The methods of direct stealing from the city which were in vogue in Tweed's time are no longer employed. They are not good form. Moreover, they are crude. We have learned a great deal since then. Most of the municipal corruption at the present time is to be found in the furnishing of inside information by which the political friends or business associates of public officers are enabled to make advantageous contracts and business deals—the "honest graft" of recent fame. The way in which this operates in the building industry and in the enforcement of building laws is intimately associated with this question of discretionary power.

What frequently happens is, that a corrupt superintendent of buildings refuses to permit some architect or builder to employ a method of construction which he has previously allowed in similar circumstances, stating that the matter is within his discretion. It then develops after several interviews that if the contract for erecting the building in question—which often amounts to thousands of dollars—is placed with the right firm of builders, or if a certain kind of floor arch or fireproof material is used, it is possible for him, upon "further consideration of the matter", and the presentation of "new arguments" to grant authority to utilize those methods of construction that had previously been denied.

Sometimes, too, buildings that are perfectly lawful, and strictly in accordance with the code are held up and the plans disapproved, until money has been paid for their approval.

An amusing instance of this kind occurred in New York during one of the Tammany administrations some years ago. The superintendent of buildings then in office was notoriously corrupt and stopped at nothing.

It is related (I cannot vouch for the entire accuracy of the story in all its details) that a certain builder having had his plans held up, and wishing to go ahead with his building, receiving no satisfaction from the plan examiners as to the reason for this delay, waited upon the superintendent whereupon the following conversation took place:

A Tammany Incident

The Builder: "Mr. Superintendent, I'm a member of the general committee of Tammany Hall in good standing, and a particular friend of Tim Sullivan's—and I want me plans passed, as they're all right and according to law.

The Superintendent: (after a pause): It'll cost you five hundred dollars.

The Builder: (Thinking he hadn't been understood):

"Mr. Superintendent, you don't seem to understand. I say I'm a member of the general committee of Tammany Hall in good standing and a particular friend of Tim Sullivan's, and me plans are held up and I want them passed.

The Superintendent: (again after a pause): Yes—it'll cost you five hundred dollars. If you weren't a friend of Tim Sullivan's it'd cost you two thousand dollars."

It is reported that Big Tim when he heard of it was lost in admiration of the man that dared "trim" his friends.

Even with honest public officials, large grants of discretionary power are unsafe. They inevitably lead to favoritism, discrimination, arbitrary use of authority, and nullification of the legislative intent.

A striking illustration of the last mentioned effect is found in the experience of New York City some years ago. In 1895 it

Nullification of Laws was provided in the tenement house law enacted in that year that no tenement house erected after that date should occupy more than 65% of the lot. This was the clear intent of the framers of the law. They, however, added a clause to the effect that where the light and

ventilation of a building was materially improved, the superintendent of buildings might permit a greater percentage of the lot to be occupied, but in no case more than 75%. In a word, they departed from their original purpose of definitely limiting the amount of land to be occupied, believing that the enforcing officer might be permitted to use his judgment and permit a larger proportion to be covered in special cases.

Now what actually happened? Within a year, every tenement house that was erected occupied the full 75% of the lot. No one even thought of covering any less, and from the very nature of things, nothing else could have been expected. If one architect presents a plan for a new building and the superintendent of buildings permits him to occupy 75% of the lot, a competing architect a few weeks later in submitting his plans will demand that he too be permitted to occupy as much. So gradually every architect insists upon his right to cover as much of the lot as his predecessors have done.

Arbitrary use of authority as a consequence of these vague grants of power seems to spring almost immediately from it. Heads of bureaus and their subordinates quickly learn to stretch the law beyond all reasonable limits—and when called to account by the protesting citizen invariably fall back on the answer: “This is a matter that is within the superintendent’s discretion”. Sometimes it is, often it is not.

There is much misunderstanding about this question of discretionary power, not only as to what it is, but as to the necessity for it, and the position of architects, builders and others in the building trade in favor of large grants of power of this kind can not be successfully sustained. Their contention, however, that

Rigidity building codes should not be too rigid and that they must have sufficient elasticity to provide for the changing developments in the building industry, with the discovery of new processes and new materials, is absolutely sound. One, however, does not involve the other. It is entirely feasible to provide sufficient elasticity to permit the use of new material and new processes as these develop, without at the same time vesting in the enforcing officer the power to modify and set aside every provision of your building law. The granting of such

power breaks down every principle of sound government. From time immemorial it has been recognized that enforcing officers should not also be legislative ones.

Moreover, in most cases there is no necessity of vesting discretionary powers in the superintendent of buildings. The practice grew up originally in New York City at a time when New York's building code was an act of the legislature. Under these conditions it was inconvenient, and sometimes impossible, for owner and contractors to wait nine months or a year until they could amend the law in the legislature, and because of this situation the superintendent of buildings was given the power to modify the law.

This situation does not exist, however, in many cities. Most building codes are local ordinances, adopted by the aldermen. In most cities the aldermen generally meet about once a week and it is very easy—if some provision of a building law is wrong—to secure the necessary amendments to it through the regular legislative channels. No hardship is thus involved.

This is the only way in which building codes should be amended—namely, by the legislative bodies which enact them, not by administrative officers. Most important of all, however, is the fact that when a code is amended in this manner, the code is amended generally and affects all citizens equally. The public also is aware of what is going on and knows what it has to expect. It is also in a position to make known to the local legislative officials the reasons for or against any proposed change, and bring to bear upon them the full force of public sentiment.

How different this is from the other process of permitting one man, the superintendent of buildings, *in camera*, to set aside or suspend the operation of some provision of the law in the interests of some particular builder, architect or contractor. What rich opportunities for favoritism and graft such methods open up!

New York sets the standard for the entire country in its building laws. There is probably no American city which has not a building code that is modeled on the New York statute. This is naturally so. The problems of building that occur in that great

metropolis have to be worked out satisfactorily there, and it is only proper that other cities should take advantage of the experience of the larger community.

Unfortunately, however, New York's building code (not only the proposed one but also the present one) is a whited sepulcher. Anyone reading it would gather the impression that it is a carefully drawn series of provisions, providing in minute detail for the manner in which buildings shall be constructed in that city and safeguarding the public interest at every point. Apparently, it is. But the value of these seemingly carefully drawn provisions is vitiated by the fact that the superintendent of buildings is given a general blanket power to modify or set aside every provision of the code at his pleasure, at any time, and this power is limited in no respect, the conditions under which it may be exercised are not prescribed, nor is any publicity provided for his decisions; they do not even serve as precedents binding upon the department in similar cases. What is more important than all, his acts are not reviewable by the courts. Is it any wonder that with such a condition of affairs building departments have for years been the synonym for graft and corruption? In addition to this general power to set aside the law, it will be found that the superintendent of buildings has in numerous sections all through the code been given the power to modify those particular sections.

Allusion has been made in this paper to the similarity between building codes and tariffs. What would the country think of a tariff law which provided a duty of so many cents a pound on wool and then provided, "Unless the President of the United States shall think otherwise"; provided a duty of so many cents on glass and iron and sugar and all the other commodities and after each carefully worked out provision had a proviso, "unless the President of the United States shall think otherwise?" The country would hardly take such a tariff law seriously. Its effect upon business interests would certainly be disastrous. Yet this is the situation which governs in the building industries in practically all of our cities. The situation which I have described in New York is not peculiar to that city; there are few American cities where a similar one does not exist. Such a condition of affairs puts a premium upon dishonesty in public office.

On the other hand the situation is not to be met by creating some board of appeal with power to overrule the decisions of the superintendent of buildings. This brings about even greater evils. It means division of responsibility, with all that that implies; it means that the head of the department ceases to be the head. A superintendent who desires to escape responsibility and to permit some form of construction in a given case which he is not quite ready to stand for publicly, because of his fear of the consequences, readily appreciates the value of "putting up" a proposition of this kind to a board, the members of which have no individual responsibility. On the other hand an honest superintendent of buildings should not have his decisions, which are sound and in the interests of the public, set aside and reversed by a board without responsibility for the administration of the department.

The way to meet the situation is to give the superintendent of buildings full power to enforce the laws, not to make them; to have his decisions final, subject to review only by the courts; to create no board of appeals, to permit no modification of the law except by the law-making bodies. This satisfies every situation, except that it does not provide for the changes that are constantly going on in the building industry and the development of new processes and the use of new materials. There is one sure, simple and

**Board on
Materials and
Processes**

satisfactory way to meet that situation: Provide a board of men to pass upon building materials and building processes; require that whenever anyone wishes to introduce the use of a new material or a new process the matter shall be submitted to this board; that prolonged and properly supervised fire and strength tests of new material shall be made under the board's supervision, with complete records kept of the results; upon approval by the board of these materials they shall then become legal and when once used in one case may be used in the future in similar cases. A further requirement for complete publicity with regard to the records and actions of such a board will in every way meet the situation. Powers to be given to a body like this should be limited strictly to the passing upon new materials and new processes, and the board should be made up of disinterested members

of architectural, building and engineering professions and the various trades interested in and competent to pass upon these subjects. The members should be appointed by the mayor of the city, preferably from lists submitted by the leading professional and trade societies; they should receive fees for each meeting they attend and should be removable by the mayor at any time. By no other method will corruption be eliminated from our building departments.

To sum up: Building codes should be definite, clear and precise. They should afford no opportunity of discrimination between individuals; they should encourage the use of new materials and processes, the development of the city, the building-up of property and should protect at every point the health and welfare of the community.

own apartments or in those of his subordinates, so that generally the community came to know of them only after the city was bound and it was too late to object.

Many of the departments had become independent, either through the direct appointment of their heads by the governor of the state or through the legislature making them distinct corporations, so that they had a being separate from that of the municipal corporation itself and beyond its power to change. Some of them could spend money without check and without regard to the appropriations made by the city council.

**Independent
Departments**

I give you one instance; the directors or trustees of the Boston public library, formerly chosen by the city council, recently appointed by the mayor, asked the legislature to make them a distinct corporation. This was done. They were granted the charter, so that gifts of money, or books for the library, instead of going to the city for its department of the library, go directly to this corporation, and are beyond the power of the city to touch or control in any way.

Moreover, when it was a question of building a new public library, these trustees, as a distinct corporation, not asking for an appropriation from the city council, but obtaining authority from the legislature so to do, made their own contracts, made their own plans, and put up their own building without regard to any appropriation by the city council whatever; and that is true of very many of the other departments.

In addition the expenses of the county of Suffolk, which consists of the cities of Boston and Chelsea and the towns of Revere and Winthrop, were and now are paid by Boston without regard to their amount and with no representation on the part of the city in determining that amount. Several state commissions, appointed by the governor, controlled and still continue to control the water supply, the sewage, the parks, and the roads, of a so-called Metropolitan District of which Boston forms a part, and a large portion of the expenses of which must be paid by Boston, again without regard to their amount and with no representation on the part of the city in determining that amount.

The legislature had passed an act limiting the sum which the

given space in the newspapers, but was considered in many published communications and several editorial articles.

He asked for the appointment of a commission to investigate the financial condition of Boston; and, as this, to be complete,

**Appointment
of Finance
Commission**

must include several departments which had been established by the state and not by the city, he advocated the appointment of the commission by the governor and not by the mayor.

The mayor, however, followed with a communication to the council advocating the appointment of the commissioners by himself, not though such men as he might choose but such men as should be nominated to him by certain designated business and local organizations. The council, March 25, 1907, gave the authority, and seven citizens were appointed, three Republicans, three Democrats, and one independent. Its chairman had been mayor; one member had been treasurer of the city; two members had served in the state legislature, and two members in the school committee. The councils of the city, both present and past, were unrepresented.

The legislature passed an act June 7, 1907, giving to the commission authority to summon witnesses, to order the production of books and papers, agreements and documents, and to administer oaths. The commission secured the services of lawyers, engineers, and accountants, who were paid liberally for their services, and of other experts who served without pay. There was also a considerable office force of lawyers, stenographers, and other paid assistants. The engineers devoted themselves mostly to the street, sewer, and water departments, and the accountants to the departments having in charge the financial affairs of the city. The commission itself not only passed with great care on all the work done for it, but the members were divided into sub-committees which studied the various departments of the city.

August 7th, eight days after organization, the commission sent to the mayor a communication relative to the sealers of weights and measures, and on September 21st another communication which disclosed only one hundred and fourteen days of work for each of the outside deputies for the year ending July

superintendent had been buying land of themselves for the city at extraordinary increases in prices.

Altogether the commission issued 127 reports and communications. Its engineers made seventy-seven reports. The reports form four volumes; the first two consisting of the reports of the commission itself and the last two of the reports of its engineers and other experts.

You will notice that the commission was appointed in order to investigate the financial condition of the city of Boston.

The commission obtained authority from the legislature to undertake the further duty of framing a charter for the city, and to this task it gave the last months of its existence. On the last day of its life it issued a final report, reviewing the form of government from the earliest days, showing how a charter was granted in 1822, revised in 1854, and further revised in 1885. There followed a criticism of the electoral machinery, an arraignment of the degeneracy of the departments, and a statement of how seriously expenses, debts, and tax rate had grown. Then came a variety of remedies which had been suggested, the changes favored by the commission, and a draft of a charter. The principal features of the commission charter are:

(1) The officials to be elected are a mayor for four years, subject to a recall at the end of two years, if asked for by a majority of the registered voters—(by this we mean not the majority of the people who vote, but the majority of all the people who might vote. The number of people who might vote in Boston is 110,000; the number who do vote is from 60,000 to 70,000. A majority of 110,000 must be obtained in order to make a recall effective)—nine councilmen for three years, one-third retiring each year, and five members of the school board, all to be elected at large.

(2) Nominations are to be by petitions signed in person by 5,000 registered voters, and there are to be no party designations upon the ballots.

(3) All the so-called executive powers are to be exercised by the mayor, including appointments without confirmation by the council, but subject to an approval in certain cases from the

lican party organization of the city, and therefore, though the referendum upon the charter itself was refused, it was ordered upon a few features. Two groups were made. In one it was provided that the term of the mayor should be two years, the council should consist of thirty-six members, nine elected at large, and twenty-seven by wards, and that nominations might be made by party conventions in addition to nominations by petition. In the second it was approved that the term of mayor should be four years, the council should consist of nine elected at large, and all nominations must be by petition. The voters were confined to a choice between these two groups and were not permitted to make any selection between the portions, as, for instance, to favor four years for the mayor and a council of thirty-six or two years for the mayor and nomination by petition. Under such restriction it was impossible, of course, to expect any fair expression of opinion. The city chose group two.

Boston now has begun another new phase of its civic life, and in this respect it is not different from most other large cities of the United States. The contrast between the stability of the forms of city government in Europe and those here is most striking. There no change has occurred for three-quarters of a century; while here the changes have been kaleidoscopic both in variety and rapidity, so that if we may judge from the past this new phase is not likely long to continue unaltered.

It is to be regretted that the whole charter was not submitted to a vote of the people of Boston, because, among other reasons, it begins its being not as the charter chosen by Boston for itself, but as the charter imposed upon Boston by the will of the legislature.

**Home Rule
Violated**

There is no other instance in the history of Massachusetts where a charter has not either been asked for by the city or, if first passed by the legislature, afterwards adopted by it. Boston naturally resents having been singled out for this unenviable distinction. It is in violation of the principle of home rule advocated by this League as a fundamental requisite for good government. There was lost the chance of a generation to carry on an educative campaign among all the people upon the concrete issues of city government. There was lost also the strongest

complished in Great Britain by the local government board which examines accounts and gives authority for new loans. It is an excellent supervision, never bureaucratic, and in harmony with the principles of home rule which pervade the whole local administration of the United Kingdom. The second is a further development of civil service reform.

Perhaps it is not too much to expect that the near future may bring to the metropolitan district of which Boston forms a part

**Metropolitan
Government**

some such form of government as that under which metropolitan London now is administered, a form which shall preserve to the several cities and towns as they now exist the full control over their local affairs and give to a central representative council full control over water, sewage, parks, main avenues, fire, police and other metropolitan matters. Then we shall have vigorous life in each locality from its unhindered control of all which belongs to it, and in the greater community we shall have the rule of the people through their own representatives in place of the present complex and undemocratic system of irresponsible state commissions. This central council must necessarily be a large body so as truly to be representative of the people of so many different and distinct localities. And preferably its members will be chosen, not at large, but by electoral districts so that the voters of every district will have their attention concentrated upon the choice only of one man and also may know the candidates. In such a community the dictator will have no place, and the autocratic mayor, an anachronism in a republic, will pass away with other medieval types of despotism.

Two things are necessary if this greater city is to succeed. First, it must be left absolutely alone by the state so long as it does not offend against state laws applicable to all, and so long as its schools, its police, its health administration, and other like services in which admittedly the state has large concern, come up to the requirements of the state. In case of offense or failure, however, the remedy is not for the state to do the work itself, but through the courts to compel performance by the local authorities. Second, it must be given the power to do the things which a modern city must do for the welfare of its people.

it should be clothed with complete authority to do everything which is not distinctly forbidden. Then and then only may we expect that full civic life which is characteristic of the cities of Europe, and then and then only may we expect that civic interest which is the only assurance of good government.

these cities have less than 100,000 population, except Kansas City, Kan., which is estimated to have a little more than 100,000.

The legislature of Iowa granted permission in 1907 to cities of over 25,000 population to avail themselves of the board plan, and Des Moines and Cedar Rapids have been operating under it since April, 1908. Keokuk and Burlington have only recently decided to adopt the system. Davenport and Sioux City voted against the plan, but are said to be re-considering the subject. An amendment adopted at the last session of the Iowa legislature allows cities of over 7,000 inhabitants to install the board plan. An interesting feature is the number of cities in the various states which at first rejected the new system but which later ratified it.

A group of cities in Oklahoma, including Ardmore, Enid, Guthrie and Tulsa, adopted the Plan in 1907, 1908 and 1909.

Three cities in Massachusetts (Chelsea, Haverhill and Gloucester) have the system, which in the case of Chelsea was an emergency measure put into effect after its disastrous fire. The Chelsea commissioners were appointed by the governor. Brookline, Mass., has a board of selectmen who constitute practically a commission. The recently-adopted charters of Boston and of Indianapolis, providing for a smaller council with increased powers, may be said to be a step in the direction of commission government.

Bismarck, the capital of North Dakota, and two other cities in that state, Mandan and Minot, have commissions, as have also the cities of Sioux Falls, S. D., and Boise and Lewiston, Idaho. In Colorado, Colorado Springs and Grand Junction have adopted the plan.

In the south, aside from the Texas cities, Memphis, Tenn., is a notable example; in this city a new charter providing for a board of five will go into operation January 1, 1910. The state of Mississippi, in 1908, adopted a state law under which no city is yet operating.

St. Joseph, Mo., has voted to install the new system in April, 1910.

On the Pacific Coast, Berkeley and San Diego, in California, have put this plan into effect; Portland, Oregon, voted against it only this year (1909); Tacoma has just voted favorably, while

ing him a vote as a member of the board of five: this, with certain other provisions in their charter, gives the mayor a large amount of power, and distinguishes the Houston plan in this respect from all other commissions. Houston also added a civil service commission. The other Texas cities followed Houston in providing for a referendum; many of them designated the commission by the old names—mayor and alderman, or simply “council”.

Des Moines accepted not only the commission plan, with the referendum, on both franchises and ordinances, but added a non-partisan primary, a recall for unsatisfactory commissioners during their term of office, the initiative and a civil service law. The commission governments recently installed have for the most part adopted these provisions.

The various forms of commission governments may therefore be grouped roughly into three classes:

First: Those cities in which a small board with large powers is appointed—not elected. In this class come Washington, D. C., and Chelsea, Mass.

Second: Those cities in which a small board with large powers is elected; and elected usually at large—not by wards; in which class may be placed Galveston.

Third: The “improved type” of commission, in which not only are large powers conferred upon a small elective board, but certain features have been added with design to secure a more effective popular control; the referendum on franchises, on ordinances, or both; the recall; the initiative; a non-partisan primary; a civil service board and other provisions. In this class are the great majority of the present commission governments.

Forms of Commission

In Galveston the board makes ordinances, appoints and removes the other city officials and employees, fixes salaries and qualifications, and the members of the board act as heads of the various administrative departments of the city.

In the third type of commission government it is sought to control officials both before and at election by means of the non-partisan primary, by the small number of commissioners to be voted for, and by their election at large; after election by mak-

of finance and supplies, of highways, of health and civic beauty, and of water and sewers.

In Houston, the mayor is given power to appoint such heads of departments as are provided for by ordinances, subject to confirmation by the four aldermen. The mayor may remove any officer or employee, with or without the consent of the council; and has also a veto, as well as a vote in the council, and he may vote on his own veto.

In some cities, as in Grand Junction, Colo., each commissioner is elected directly to his department; in Huntington, W. Va., the person receiving the highest vote is declared mayor, and designates his own department and that of each of the other commissioners. In Galveston, only the mayor is elected to a specific place, the other commissioners being chosen as a group, but it being practically known before hand what places they will occupy.

As between commissioners giving part of their time to city affairs, as in Galveston, and all their time, as in Houston, Des Moines, and Cedar Rapids and elsewhere, the tide seems to have set definitely in favor of giving all their time; nearly every recent commission charter thus provides.

In addition to the small number of commissioners which makes the ballot of the voter short and simple, and the fact that each is known and held responsible as the head of a certain department, the referendum, the recall and other additional checks are employed in many cities.

In Houston, a referendum on grants and franchises must be ordered by the council upon petition of five hundred voters; and a referendum on the issue of bonds is provided. Fort Worth and Memphis have somewhat similar provisions relating to bond issues. Des Moines requires a referendum on franchises; and permits it on all other matters, upon petition of 25 per cent. of the voters. Cedar Rapids and Keokuk operate under the same law. Gloucester and Haverhill, Mass., have similar provisions. Mississippi and South Dakota provide in their state laws for a referendum on franchises. Kansas City requires a referendum on franchises and allows it on ordinances by petition of 25 per cent. of the voters. Austin, Texas, provides a referendum on petition of 15 per cent. of the voters.

A most interesting provision is that of Huntington, W. Va., where a citizens' board of sixty-four, sixteen from each ward, has the right to veto any ordinance which the commissioners may pass. This is in effect a referendum board.

The voters are given the power to originate ordinances in Des Moines. If 25 per cent. of the voters petition for the passage of an ordinance, the council must either "pass the ordinance within twenty days without alteration or submit it to the voters at a special election." If the petition is signed by only 10 per cent. of the electors, the council may pass it within twenty days without change or submit it at the next general city election. In South Dakota, the state law gives the right to any 5 per cent. of the electors to propose city ordinances which shall be voted on at a general city election; if 10 per cent. sign the petition a special election must be called. In Austin, Texas, 5 per cent. is sufficient. In Dallas, 15 per cent. requires a special election, 5 per cent. a general election after thirty days.

In Galveston, which has neither the referendum, the initiative nor the recall, careful attention is paid to the nomination of good commissioners, a strong city club backing those who have given satisfaction, and looking after their election.¹

In Des Moines and other Iowa cities, upon petition of 25 per cent. of the voters, a special election is called, at which the name of the official sought to be removed shall be voted on; then if any other person receives a larger vote, he is elected in place of the incumbent. If the incumbent, however, receives the highest number of votes, he continues in office. The mere possibility of a vote of lack of confidence, is thus, many believe, made a powerful influence toward good government.

The Kansas law also provides for recall upon a 25 per cent. petition. In South Dakota 15 per cent. is sufficient. The Minnesota state law provides for a recall. In Grand Junction, Colo., the petition must be signed by 20 per cent., but it cannot be used until after the commissioners have been in office three months.

¹ See "The American Municipal Situation," *supra*.—EDITOR.

The proportion necessary for petitions is—in Berkeley, Cal., 20 per cent.; in Dallas, 35 per cent.; in Austin, Tex., 25 per cent.; in Haverhill, Mass., 25 per cent. San Diego has also a recall.

Aside from the small number to be voted for at elections, the cities of Des Moines, Cedar Rapids, Keokuk and the Kansas cities for the most part, provide for certain non-partisan primaries, which need not be described here further than to say that in Des Moines the names of candidates are arranged alphabetically and party designations prohibited.

The Iowa and Kansas laws provide for a civil service commission, as do Memphis, Tenn., Houston and most of the Texas cities (except Galveston). Whether or not it is necessary under the commission plan to incorporate a civil service board, nearly all the commission charters so provide. The Wisconsin law, recently passed, does not provide such a board. It may be interesting in passing to note that the Wisconsin law, under which, by the way, no cities are operating, provides for three commissioners, permits the long term of six years for the mayor and four for the councilmen, and makes only one commissioner elected every two years; no recall is provided.

Strict provisions against corrupt practices at elections, and severe penalties against officials being interested in city contracts are provided in the Des Moines and other laws. The details of many of these and other provisions cannot be given here for lack of space. They should, however, be studied in connection with the other phases of the subject.

Commission government, then, as existing at present, means not merely the presence of a commission as the municipal governing body, but a *small commission elected at large and paid*, with *wide powers*, including usually those of passing ordinances, appointing and removing other city officers and fixing their duties, salaries and qualifications; and in all cases, each commissioner is the head of a department, known as such to the people. The board performs legislative functions as well as controlling and supervising the administration of the departments.

There are also, under most commission charters, provisions for

Civil Service Commission

Summary

a referendum on franchises and ordinances, an initiative, a method of recall and in many instances a civil service commission and special provisions as to nominations.

A return to the old plan is permitted under the Iowa, Wisconsin and Kansas laws after six or four years of the commission plan.

The extent to which this plan has been successful depends upon the definition of the term. If good municipal government means clean streets, pure water, enough light, honest and capable police, a well equipped and active fire department and adequate returns for money expended, then success under the commission plan, or any form of city government, means the securing of those ends. Measured by these criteria, let us examine the various cities which have had commission government, first noting the length of time during which this form of administration has been in operation.

With the exception of Washington, D. C., no city has had commission government for a period of as much as ten years. Galveston, the pioneer, inaugurated its system in 1901; Houston in 1905; Dallas and Leavenworth in 1907; Des Moines and Cedar Rapids in 1908; Grand Junction, Colorado Springs, Minot, Bismark, Mandan, Keokuk, Huntington, Bluefield and other cities in 1909. It is, therefore, rather soon to speak with finality of the success or failure of the plan as a whole; certainly too soon to speak of the success of each of the parts of which the plan is composed. All that can be done is to record the results so far achieved.

It is impossible in many instances to contrast results under the former plan with those now obtained since no records are available for the earlier days; and conditions at present often differ materially from those which previously existed. But even though we may be handicapped by these difficulties, it is yet possible to compare certain data, a review of which here may be of value.

Galveston, under five able and efficient men, has been rebuilt, remodeled, its grade raised, its credit reestablished and its business revived. As an emergency measure, the commission here

has proved unquestionably successful. Not more than half the eight years, however, during which Galveston has been governed by its commission can be called an emergency period; for the last four years the city may be considered as having been under nearly normal conditions. The most striking thing about the Galveston situation has been its remarkable financial success. This, however, has been so fully described as not to need repetition.

In the field of city finance, more data is available than elsewhere, and the results are more conclusive. In Houston, which presents usual civic characteristics, during the four years of commission administration in that city, the old method of issuing bonds to cover a deficit in running expenses has been abolished; and now not only are current bills paid as they come due, but \$400,000 of the bonds have been returned, delinquent taxes collected and needed public improvements completed and paid for out of current revenue. Further, the tax rate has been reduced from \$2.00 to \$1.80; the cost of its electric lights from \$80.00 to \$70.00 per arc per year. Other improvements have been made; each business man whom one interviews explains some new respect in which the plan is a financial improvement over the old system.

In Des Moines only the first year's report is available, but it shows marked economy in many lines. Care should be exercised in order not to attribute accidental saving to commission government, and to see that figures are really comparable. For example, the statement that in 1908, after the new plan was installed, street curbing constructed by the city cost 39.9c. per lineal foot as against 42.9c. per lineal foot for the year before, proves upon careful analysis to be valueless since conditions of depth, material and length of haul varied so that no comparison was possible. The same is true of sewers and pavements. But certain facts which have a real bearing on the situation can be ascertained. The cost of street lighting which can fairly be compared since under similar conditions, cost in Des Moines \$75.00 per year per arc, for the year before and \$65.00 per arc per year for the first year of the commission plan; furnishing a saving of \$10,000 for the year in this item alone.

A similar large saving was effected in Houston. This probably indicates that a greater effort was made on the part of the commission and the commissioners of lighting to secure lower rates from the lighting company. If the reason for the added effort is the new feeling of responsibility created under the commission plan, it is fair to credit this saving to the plan.

Several car-loads of creosote wood-block paving were rejected in Des Moines on account of being below standard, a thing unheard-of in the old days. In Cedar Rapids the

Results

commission had recently after consideration refused to pay for a piece of paving already laid but clearly defective.

Turning to other purely financial results, we find in a large number of cities municipal employees promptly paid and as promptly discharged if not efficient. Police regulations are better enforced than formerly; in Galveston, Houston, Des Moines, Dallas and elsewhere. The streets are reported by those interviewed as being kept much cleaner, both in the business and residence districts, particularly in Des Moines and Galveston. Specific instances of improvement in the different departments of city government are so numerous they cannot be included in this short paper. The foregoing list of cities is not even complete, since every fortnight finds a new municipality which has adopted the commission plan. A dangerous tendency should be pointed out in passing, namely, the desire to economize by curtailing regular municipal work, such as street cleaning, and the making of necessary improvements. In a certain city several thousand dollars were saved in one year by not cleaning the streets excepting at rare intervals.

The use of the recall has not been sufficient to determine its effectiveness. The recall has been threatened two or three times in Des Moines, once in Cedar Rapids, and several times in other cities, but has actually been employed only in Los Angeles which can scarcely be classed as having commission government.

So far as the commission plan has been tried, it seems to have resulted in a marked increase in municipal efficiency, in the finance, police, street and lighting departments. In the fire department the consensus of opinion is that this department was pretty efficient before and that the improvement is therefore slight.

* Considerable disappointment is expressed in at least three cities visited at the fact that former politicians, largely comprised the board. It is argued, however, on the other hand, that if the results are so much better under poor or average commissioners, that under able men wonderful results could be achieved.

The study of the receipts and expenditures of the cities with the comparison of the cost of construction work, and other items; the evidence of inhabitants as to clean streets and good lighting; the enforcement of police and sanitary regulations; are all points upon which the reports of visiting delegations, skeptical of the value of any new panacea for our municipal ills, the inspection of careful students of government as President Eliot, Prof. Albert Bushnell Hart, and George Kibbe Turner and citizens of the municipalities which have the plan, agree.

The possibility of developing long terms of office for municipal commissioners, during which they may become thoroughly familiar with their duties and hence very efficient, is suggested by the fact that Galveston in the past eight years has changed only one of its commissioners, except by death; and that change was at the election this year.

The confidence of business men and voters in the commission plan is very marked. Whether the belief in the ultimate success of this method of municipal administration will stimulate effort on the part of citizens to secure better government or whether it will lead to over-confidence and apathy are questions for the future to decide. It is not likely, however, that interest in municipal affairs will be any less than it is today. If the commission plan shall arouse that hopeful public interest which is so essential in a democratic form of government, it will have gone far in solving one of the difficulties with which we are now contending. No system or plan can produce good government; all that municipal machinery can do is to supply the mechanism by which the will of the voters is promptly and actively registered. This is the aim of commission government.

Recent Constitutional and Statutory Enactment in Michigan Relative to Cities.

HON. GUY A. MILLER, DETROIT,
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Under the old constitution, the legislature was the sole source of legislation touching municipal matters.

The principle of home rule as it existed under that constitution, went only to the extent that each locality had the right to choose the men who should fill its local offices; the power of the municipality, the method of their exercise and form of local institutions, were matters dependent solely upon legislative enactment. These took the form, for the most part, of special acts, either enacting charters as a whole, amending existing charters, or in the nature of enabling acts for some special purpose. Probably not a single city exists in Michigan whose charter does not bear some evidence of this special legislation.

Although the constitutional convention, which took itself more seriously on some points than was necessary, thought that the old system of special legislation was very bad, the only real evil of any great moment was the waste of time consumed in legislative roll-calls. The local bills were invariably drafted at home; they were passed as a matter of course at the request of the local member, and the local member, if he was wise, invariably refused to ask the passage of a bill over which there was any controversy in the territory affected. I personally am satisfied that the former system worked out better ninety-nine times in a hundred than the new one will. The only case of refusal to pass a local measure which was ostensibly supported by the local members was in the case of the Grand Rapids non-partisan election measure, and in that case they secretly opposed its passage. The remedy for such cases is to elect proper men to public office.

**Municipal
Home Rule in
Michigan**

This principle of local home rule, which in the old constitution was nowhere expressed in words, but which was

created by the decisions of the Michigan Supreme Court, is much amplified by the express terms of the Constitution of 1909.

This constitution provides that the legislature shall provide by general law for the incorporation of cities, which general law shall limit their powers of taxation and of borrowing money. (Art. VIII, Sec. 20.) Special legislation is practically a thing of the past, though special or local acts can be passed where general laws cannot be made to apply. Whether a general act is applicable is made a judicial question. No special act may take effect till approved by majority vote of the electors of the district affected voting on the question. (Art. V, Sec. 30.)

Subject to the constitution and the general laws of the state, the electors of each city (and village) may frame, adopt, and amend its charter. (Art. VIII, Sec. 21.) This provision does not state in terms whether the powers of cities are to be specified in the general incorporation act, or are to be fixed by the inhabitants of each city.

It is, however, the commonly-accepted opinion that these constitutional provisions are not self-executing; that the function of the legislature consists not merely in drawing an enabling act and limiting the borrowing and taxing powers, but also in specifying certain things that cities must, may, and may not do; and in providing for such matters as uniformity in election procedure, changes in boundaries, relations with the county officials and government, and the like.

The new constitution, therefore, modifies the old in that the legislature may now probably specify the things which all municipalities may, or must, or must not do, but cannot prescribe the form of local institutions nor the manner of executing local powers. As to the latter particulars, the legislative power of the state is conferred upon the electors of the several cities and villages.

The new constitution also touches upon matters relative to municipal ownership of various descriptions of properties. There are specific grants of power to acquire parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety. (Art. VIII, Sec. 22.) There are also grants empowering

**Municipal
Ownership**

the acquisition of utilities for supplying water and light (Art. VIII, Sec. 23), which has been done in the past by many, if not all, the cities in the state. For example, the city of Detroit owns its water-works, lights its own streets and public buildings, and has had charter power for many years to acquire or build a municipal gas plant.

In addition to these utilities, others not heretofore municipally owned in Michigan are included in the constitutional provisions, Section 23, Art. VIII, empowers any city or village to "acquire, own and operate either within or without its corporate limits, public utilities for supplying . . . heat, power, and transportation to the municipality and the inhabitants thereof"; to sell water, heat, power and light outside its limits, and operate transportation lines outside its limits, as may be prescribed by law. But no city with less than 25,000 inhabitants may own or operate such transportation facilities.

But while the Constitutional Convention was willing to concede somewhat to a real or supposed demand for public ownership, it placed such safeguards around the acquisition of a public utility that under ordinary circumstances it would be well-nigh impossible to get authority therefor, or to finance its purchase or construction if authority should be secured. No city is permitted "to acquire any public utility . . . unless such proposition shall have first received the affirmative vote of three-fifths of the electors of such city, voting thereon at a regular or special municipal election; and upon such proposition, women taxpayers, having the qualifications of male electors, shall be entitled to vote." (Art. VIII, Sec. 25.)

When a city or village has secured authority "to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law" (Art. VIII, Sec. 24); this would seem to permit payment of operating expense by a bond issue, which is bad business, and was almost certainly not intended by the constitutional convention. The section further provides: "Such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability upon such city or village, but shall be

**Bonded
Indebtedness**

secured only upon the property and revenues of such public utility" (Art. VIII, Sec. 24), including a 20-year security franchise.

It is very much to be doubted whether a lighting, heating, or transportation proposition could be financed at the present time upon the basis of such a franchise. The difficulty was increased by the wording of the act passed by the legislature last winter, to which I shall refer later.

Closely allied to the municipal ownership provisions are those relating to the granting of public utility franchises. No person operating a public utility may use the streets or highways for transmission lines, tracks, etc., without the consent of the local authorities of the city, village, or township, as the case may be (Art. VIII, Sec. 28), nor do a local business therein without securing a franchise therefor. (Art. VIII, Sec. 28.) No franchise may be granted which is not subject to revocation at will, without a three-fifths vote, as in the case of a proposal to acquire a public utility. (Art. VIII, Sec. 25.)

There are now three grades of permissions to use the highways: *A consent* by the local authorities, which does not carry with it the right to do a local business; *a franchise* from the *authorities*, which carries with it the right to do a local business, but which is revocable at will; and a *franchise ratified by popular vote*, which is irrevocable. These provisions seem admirably suited to establish and perpetuate monopoly in such businesses as the furnishing of gas, electricity, or transportation. There is now some chance to secure competition. There is at least the possibility of it. But with the man who is intrenched behind the requirements of a 60 per cent. popular vote before a competitor can get in, the possibility of interference in his business is slight, and the probability is so small as to be negligible.

These are in substance the provisions of the Constitution of 1909 relating to cities. Summed up, they are—*First*: The so-called home rule provisions, under which the legislature is charged with the duty of defining the limits of municipal activity, while the way in which, and the extent to which, each municipality avails itself of its powers are left to be taken care of by local

each city, village or township affected (Sec. 6). New cities must contain not less than 2,000 inhabitants, and must average not less than 500 to the square mile (Sec. 7).

This petition is presented to the county board of supervisors, which, if it is found regular, provides for the submission of the matter to the electors of the district affected, which is defined as the whole of the city, village or township, to which the territory is to be added, or from which it is to be taken. In case of consolidation, or change of boundaries, the question is voted upon separately in the territory to be transferred and in the rest of the territory affected, and the vote in both must be favorable or the proposal is lost. In the case of a new incorporation, a majority of the electors voting on the question is necessary to approve such incorporation. (Secs. 8, 9.)

The charter of a new city is framed and adopted by action of the locality, subject to the approval of the governor of the state. At the election when the question of incorporation is voted on, nine electors of the territory are to be chosen as members of a charter commission. The names of the candidates are placed upon the official ballot, without party designation, upon the filing of a nominating petition with the county clerk signed by twenty electors. If the incorporation of the proposed city is carried, the votes for members of the charter commission are canvassed; and the nine candidates receiving the highest number are elected. (Sec. 15.)

The commission must meet in ten days and frame a charter within 90 days. The commission may determine its rules of procedure, and choose its officers. It must keep a journal, and a roll-call may be demanded by any member. The commission also fixes the time of election of the first officers of the city, and is required to publish the proposed charter and to give due notice of such election. If, at the election, the proposed charter is rejected, provision is made for a provisional city government during the time of preparation of a new instrument, either by the first charter commission, or by a new one elected on petition. These proceedings are to continue until the electors approve a charter by a majority vote. (Secs. 15, 16, 17.)

Charter Commissions

Existing cities may revise or amend their charters. The method is fixed as follows, until a different one is prescribed by the city itself in its charter: On the presentation of an initiatory petition signed by twenty per cent. of the electors, if the legislative body by two-thirds vote declare for a general revision, the question of such revision shall be presented to be voted on at the next municipal election. If the electors declare, by majority vote, in favor of such revision, a charter commission shall be selected consisting of one elector from each ward, and three at large. Members must have a residence of three years in the city, and no city officer or employee, elected or appointed, shall be eligible. Nomination and election of such candidates are to be conducted in the manner provided for other city officers, except that the names are to be placed upon a separate ballot, without party designation. (Sec. 18.)

The place of meeting, and the compensation of members, are to be fixed in advance of the election by the legislative body of the city. (Sec. 19.) The commission is sole judge of the qualifications, elections and returns of its members, and elects its own officers, except clerk, which office is filled by the city clerk. It may fill vacancies, must keep a journal, and enter thereon a roll-call at the demand of one-fifth of the members. Sessions must be public, a majority constitutes a quorum, and members are paid for actual attendance only, and for not more than 90 days. The commission fixes the time for submission to the electors of the proposed revision. No amendment or revision may be adopted by less than a majority of those voting thereon. (Sec. 20.)

Amendments not amounting to a general revision may be proposed by the legislative body by two-thirds vote, in which case they must lay on the table for thirty days; or by
Amendments an initiatory petition. Such amendments must be submitted at the next general or special election. (Sec. 21.)

The initiatory petition for any purpose specified in the act must be verified by the person or persons obtaining the signatures, and must be signed by a number of electors equal to twenty per cent. of those voting at the preceding election for the executive officer. The verification must state that the signatures were obtained by the person verifying, that the signatures are

genuine, and that such person verily believes the signers are electors. No person shall be deemed an elector whose name does not appear on the proper registration book. The making of a verification false in any particular constitutes perjury. (Sec. 25.)

Before submission to the electors, and in the case of a new or revised charter, before the adjournment of the commission, a proposed amendment or charter must receive the approval of the governor. If he disapproves, he must return the measure to the proper body with his objections. It may then be passed over his veto by a two-thirds vote. (Sec. 22.) The reasons for this provision are that such charter provisions are given the weight of state laws; that the jurisdiction of the body passing them, to wit, the electors of a locality, is an inferior jurisdiction; if an attempt to legislate upon general matters is made, and there is no authority to examine and check such attempts before action is finally taken, much confusion and unnecessary trouble would ensue.

From this brief statement it will be seen that in the matter of framing local charters, the fullest authority is given each locality to enact its own fundamental law without recourse to any body outside its boundaries, and with but the single check that the governor must approve a proposed measure before its final submission to vote. The body which must originate a complete charter is small, non-partisan, and removed as far as possible from influence by public officials and employees. It was thought that this plan, which permits almost untrammelled action locally, will give the fullest measure of home rule which was possible, and that the method at the same time was wise. It was recognized, also, that too many amendments to the fundamental law and too frequent elections are not desirable. Therefore, complete charter revision was made so difficult as not to be undertaken unless necessary. It was also provided that no city shall have power to submit a charter, or re-submit an amendment, oftener than once in two years, nor unless it shall have been filed with the clerk for 90 days before the election (Sec. 5b); nor to call more than two special elections in any one year. (Sec. 5c.)

The second class of local legislation consists of enactments

were included because they are necessary for the execution of state laws or for the assessment and collection of state taxes, in which, both under the old system and the new, many of the cities in the state act as its agents. (Sec. 3e.)

In addition to the power to create offices, each city may provide by charter for the establishment and separate incorporation of any department it may deem necessary (Sec. 4f); and for the amendment or repeal of existing special acts relative to such departments (Sec. 4p); but the department in control of the public schools shall not be considered a municipal department. This exception is properly made, because the state expends a very large amount of money annually on the schools, and exercises supervision over the courses of study, attendance of pupils, etc.

Each city is empowered to provide for a system of "civil service" which phrase is interpreted locally to mean a merit system of appointment and promotion. There was an effort to make this clause mandatory, but the attempt was abandoned owing to the hostile attitude of the friends of Governor Warner in the legislature, who were sufficiently strong, with his backing, to defeat any civil service program. (Sec. 4r.)

Provision is made for the election, in newly-organized cities, of a justice of the peace, whose civil and criminal jurisdiction shall conform to the general laws regarding justices of the peace, and who shall also have jurisdiction over prosecutions for violations of ordinances. (Secs. 29, 30, 31.) Such justices may be made salaried officers, in place of the fee system of compensation in effect with justices in townships. (Sec. 33.) In cities already organized, municipal courts now exist by virtue either of special or general acts. These courts continue, and it is the prevailing opinion that in all matters of jurisdiction and procedure, at least, the power of control of the state legislature is complete. Inasmuch as these courts administer general laws, both civil and criminal, in cases affecting the rights as well of non-residents as of residents, it is argued that their organization and powers are of general, and not of local, concern.

In order to secure independence on the part of public officers, cities are prohibited from changing the salary, emoluments, or term, of any public officer after his election or appointment.

Officers may be removed only for cause. (Sec. 5d.) The appointment or election of officers for indefinite terms were not considered, and probably would not be accepted in more than a very few places in the state, but I know of nothing to prevent a city from adopting such a system if it sees fit. The so-called commission plan of government has attracted considerable attention, however, and the act was so drawn as to permit that form of city organization. But in case the hitherto universal ward system is followed in the election of the members of the legislative body, each ward must have equal representation. (Sec. 3m.)

All elections held under the municipal act are to conform as nearly as possible to the general laws governing the conduct of the general biennial fall elections. (Sec. 26.)

Beyond these very general provisions the municipal act is silent regarding the form of local institutions. The method of appointment of officers and employees, their terms and compensation, their duties, and the cause and method for their removal, are left absolutely to the locality.

The check upon local charter legislation of the veto power in the governor of the state has already been mentioned. It is by

Relation to State and County no means certain that this will prove sufficient to prevent the uncertainty and confusion likely to rise from local attempts to act upon other than local matters. Under the former system there was but one source of authority, except in cases expressly covered by the constitution. Before a city could act upon a given subject, it must have authority from the legislature, by general or special act, either by express grant or by necessary implication from powers expressly granted. The present act contains, in addition to various grants of power, the following general language: "Sec. 4—Each city may in its charter provide: . . . (s) For the exercise of all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; for any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly-constituted authority to

pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state." It seems likely that under this language charter provisions will be proposed from time to time which will affect general rather than purely local matters; that the veto power will be exercised or not by the governor, depending upon political considerations; and that litigation and a general state of uncertainty will follow. The most that can be said of this plan of dividing the legislative power of the state is that, though a doubtful experiment, it may work well.

In addition to the plenary power to act upon local matters, municipalities are required to act as the agents of the state in performing certain functions. They must provide by charter for the levy, collection and return, of state, county, and school taxes according to the general laws of the state (Sec. 3, e); for the time, manner, and means of holding elections and the registration of electors (Sec. 3, h); and for the public peace and health and for the safety of persons and property (Sec. 3, g.)

Of these provisions, those relating to taxation need only conform to existing state laws, which point out clearly the property subject to taxation and the method of assessment and of return. All that remains is to provide proper offices to assess the property, and compute and collect the taxes.

Elections of state officers, and nominations of party candidates therefor at primary elections, are governed as to time and manner by state laws. It remains for the locality to designate precinct boundaries, provide polling places, ballots, election officers, and police protection. The public health and safety will be adequately cared for because of self-interest, though there is no way of compelling a city to do so. In addition to the provision just referred to, cities may condemn land beyond their corporate limits for the disposal of sewage, or to obtain or protect the water supply. The jury is to consist of twelve freeholders drawn from the body of the county, and it is to find first, the necessity for the use; second, that it will not materially injure the health or safety of persons living adjacent to the land; and third, the compensation. The tendency on the part of rural landowners to ask about a thousand dollars per acre, for available land for these purposes, caused this section. (Sec. 35.)

The share of cities in county government was a bitterly-contested question in framing the act. There are some small cities which have a slightly larger representation in the county board of supervisors than they are entitled to on the basis of population, but the great majority have nothing like their fair share of members. In Kent County, Grand Rapids has only twenty-four members out of forty-eight, though it has three-fourths of the population and pays five-sixths of the taxes, while in other counties the situation is worse. The act, however, gives all cities at least one representative; leaves the present representation as it is, until changed by law; makes no provision for a change; and provides that no city may increase its own representation. (Sec. 27.) This was done because of an ultimatum by the country members that no bill would be passed if it attempted to change existing conditions, and because they had the votes to make good.

Each city must provide by charter for an annual appropriation of money for municipal purposes (Sec. 3, f), for a system of accounts, which shall correspond to any uniform system required by law (Sec. 3, n); and that the subjects of taxation shall be the same for municipal as for state purposes. (Sec. 3, o.)

The constitution requires the legislature to limit the power of cities to tax and borrow. The act as passed limits the rate of taxation to two per cent. of the assessed valuation, and provides that no existing rate fixed by law shall be increased except by vote of a majority of the electors voting, not on the question, but at the election when it is submitted. (Secs. 4, a, 5, a.)

The settlement of the power to borrow gave more trouble than any other one matter.

The interests of the advocates of municipal ownership of public utilities and of the private owners of such utilities, were here opposed. This conflict arose as follows: Under the Constitution, it is possible to issue bonds beyond the bonding limit, for the purchase of a public utility, but such bonds may not be made a charge upon the taxing power. It is obviously impossible to sell bonds secured only by mortgage on a public utility property with a 20-year security franchise, up to the full amount

of such purchase price. Some real money must be raised either by tax or loan, to take the place of capital invested ahead of the loan, as a guaranty of good faith, and to furnish some margin of security. An attempt was made to block public ownership by providing that no bonds which should be a charge upon the city should be issued to aid in the purchase of a public utility. There is but one place in the state where public ownership is a possibility, or where the question is even discussed, and the discussion finally resolved itself into one between the City of Detroit, on the one hand, and the Detroit United Railroad on the other. The question involved was, not immediate public ownership, but the framing of the bill so as to make it a possibility, in case of the failure of the parties to come to agreement as to the terms of renewal franchises in Detroit.

Again, there are cities in the state with very high bond issues at the present time, and with high tax rates as well, whose assessed valuation is too low. These cities were anxious to have high tax and borrowing limits, while the great majority of the cities and all the rest of the state, were determined to keep both down, the argument being that if the opponents of the low rate wanted to raise more money by tax or loan, they could do so by raising their assessed valuation to a proper figure.

The section as agreed upon falls into two divisions, the first treating of bonded indebtedness generally, the second of the power to borrow money in connection with municipal acquisition of public utilities used in transportation.

1. Each city may provide for borrowing money up to eight per cent. of its assessed valuation; but when there is a limit now fixed by law, such limit shall continue till it is changed by two-thirds vote of the electors voting on the question; no single increase may exceed two per cent., and increases may not take place oftener than once in two years.

Special assessment bonds and the resources of the sinking fund are deducted in the case of cities now having a legal limit, in computing the debt. (Sec. 4, b.) These provisions are the direct outcome of the reluctance of most cities in the state to have the possible bonded debt suddenly multiplied by from two to seven or eight.

2. The section next re-enacts the constitutional permission to issue mortgage bonds for the purchase of a public utility. This provision is next modified, so as to prohibit borrowing money or issuing bonds for the purchase, construction, or maintenance of a public utility for transportation purposes to an amount which, added to the existing indebtedness, shall increase the net general debt beyond four per cent. of the assessed valuation. (Sec. 4, b.) This very effectively excludes about every city in the state but Detroit, from ownership of street railways, and if pending proposals for new bond issues for other purposes are carried, Detroit will find itself without power to raise sufficient funds.

3. The legislative body of any city may borrow, in case of public calamity, not more than one-fourth of one per cent. above the limit of indebtedness for not more than three years.

4. No city may issue bonds of any kind except emergency and public utility mortgage bonds, to more than 10 per cent. of its valuation. The limit of the net debt is therefore 8 per cent., and of its gross debt, 10 per cent.

No city is permitted to "engage in any business enterprise requiring an investment of money in excess of ten cents per capita or authorize any issue of bonds except special assessments bonds, refunding bonds and emergency bonds as defined by this act and bonds that it is annually authorized to issue, unless approved by three-fifths of the electors voting thereon at any general or special election; (f) To make any contract with, or give any official position to one who is in default to the city" (Sec. 5, e); nor to issue any except serial bonds falling due annually, without providing a sinking fund for their payment at maturity (Sec. 5, g); nor to repudiate any debt by change in its charter or by consolidation with another municipality. (Sec. 5, h.)

Cities may also provide by charter for laying and collecting rents, tolls, and excises (Sec. 5, c); and for assessing and re-assessing the cost of public improvements to a special district. (Sec. 5, h.)

As previously stated, the state constitution provides for three grades of permissions for the use of the highways by persons engaged in the operation of public utilities—a consent, which is granted by the local authorities, and carries no right to carry on

a local business ; a revocable franchise granted by the local authorities ; and a franchise ratified by three-fifths vote of the electors voting on the question. These constitutional provisions are new, with respect to the granting power authorized to bind the community, but the change introduced in the source of the franchise is, not from the state legislature to the local authorities, but from the latter to the electors of the locality. Franchises in the past have always been granted by the local authorities, under the statutes of the state, which have granted the right to those engaged in the several public services to use the highways, with the consent and subject to the regulations, of the authorities of the respective townships, villages and cities. The present constitution, therefore, in this respect, curtails the powers rather of the local authorities than of the legislature. It is very probable that an act of the legislature granting a local franchise would have been declared unconstitutional as a violation of the principle of local home rule.

There is no grant of power in the act to enter into franchise contracts. Such grant is to be found in the several statutes under which corporations operating the so-called public utilities are organized, and is modified in each case by the existing constitutional provisions already outlined. The municipal act empowers each city to provide by charter for the reasonable use, regulation, and control of the surface of its streets and the space above and below them (Sec. 4, g) ; for the use by others than the owner and upon reasonable compensation of property in the highways used in the operation of a public utility (Sec. 4, f) ; and forbids the submission of any franchise to popular vote unless the cost of the election is paid in advance by the grantee. (Sec. 5, i.)

The municipal ownership provisions are short, and were considerably mangled in their passage through the legislature. Each city may provide for the purchase of the franchises if any, and of the property used in the operation of cemeteries, plank-roads, hospitals or alms-houses, or in the electric light, gas, heat, water, and power business ; and in cities of more than twenty-five thousand inhabitants, of the property of street-railway or train-railway companies. (Sec. 4, i.)

Cities may regulate trade, occupations, and amusements within their boundaries, and the territory within which liquor may be sold at retail may be limited. (Sec. 4, d.) But **Miscellaneous Provisions** in local option counties, such sale may not be permitted by city action. General authority is given for the purchase of property for any municipal purpose (Sec. 4, k); for the adoption of a plan in conformity with which streets and alleys shall be laid out upon lands platted within a territory extending three miles from the city limits (Sec. 4, n); and for the use, control, and regulation of streams, waters and water courses within the city boundaries, but such regulations must not conflict with general statutory provisions relative to damming and bridging navigable streams, nor interfere with riparian rights without the corporate limits. (Sec. 4, o.)

Cities shall not have power, unless the proposal is ratified by three-fifths of the electors voting thereon, to sell any property of a value in excess of ten cents per capita, or any park, cemetery, or real estate used in the operation of a public utility, or any property bordering on a water front, or vacate any street or public place leading to a water front. (Sec. 5, e.) Nor shall any contract be made with, nor official position be given to, one who is in default to the city. (Sec. 5, f.)

Such, in brief, are the provisions of the recent municipal act. To summarize briefly it provides as follows:

1. Each city is a body politic. (Sec. 1.)
2. Organized cities continue with present powers till changed. (Sec. 2.)
3. Powers and duties of cities:
 - I. What the city charter must provide. (Sec. 3.)
 - II. What it may provide. (Sec. 4.)
 - III. What no city may do. (Sec. 5.)
 - IV. Power to condemn land for water and sewage purposes. (Sec. 35.)
4. Incorporation of new cities; annexation or detachment of territory:
 - I. Procedure and determination of question. (Secs. 6-14.)
 - II. Adoption of charter by charter convention and electors. (Secs. 15-17, 25.)

5. Amendment or revision of existing charters:

I. Revision—by charter commission. (Secs. 18, 19, 20, 22.)

II. Amendment—to be proposed by legislative body, or by initiatory petition. (Secs. 21, 22.)

III. All revisions and amendments to be published, etc. (Secs. 23, 24.)

IV. Initiatory petition. (Sec. 25.)

6. Representation on boards of supervisors. (Sec. 27.)

7. Judicial and police officers of newly-organized cities. (Secs. 28-34.)

I have examined with much interest the program of the National Municipal League, and, while it is excellent, it could never be adopted in Michigan by legislative action, entirely or substantially. It is too comprehensive and ambitious for our state legislature to act upon. It involves matters upon which there would be sharp differences of opinion among various cities; these differences would result in sufficient opposition on the part of the several city members to one and another feature, to result in the defeat of the plan as a whole. Even if the city members should be reconciled, there are matters sufficiently disturbing to the relations between city and county governments to insure county opposition and consequent defeat. Further, if political conditions remain in the future as they have been in the past, the program would receive no support from the state administration, and would consequently fail, for the reason that it looks only to the public good, could not be used as a means to political strength, and is not what is known as a popular measure. "The people" do not demand it.

For these reasons, I believe a measure which leaves the form of city government absolutely to local discretion, while prescribing certain essentials and inhibiting certain things which might be productive of trouble, is the one best suited to conditions as they exist in Michigan. It was with this idea in mind that the constitutional provisions were framed, and the municipal act drafted. Though the act contains defects and weaknesses, it is thought to be a step in the right direction. The imperfections will be discovered by experience and corrected by future legislation.

Under this act, the citizens of the several cities of the state can make their city government good, efficient, and economical, or the reverse, in just the proportion that they themselves are active, wise, and public-spirited. They have asked for a broad measure of home rule, and they have it. Whether the result meets the expectations rests with each locality.

I wish at this time to say that the credit for the original draft of those parts of the municipal act which deal with the powers of cities and the method of adopting, revising, and amending charters must be given to Mr. P. J. M. Hally, Corporation Counsel of Detroit; and that the careful working-out of details in the balance of the law is due to the painstaking work of Messrs. Tuttle, Taylor, and Fowle, of the Senate Committee on Cities and Villages.

CONSTITUTIONAL PROVISIONS.

ART. V, SEC. 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by a majority of the electors voting thereon in the district to be affected.

ART. VIII, SEC. 20. Cities and villages. The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

SEC. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charters, and, through its regularly-constituted authority, to pass all laws and ordinances relating to the municipal concerns, subject to the constitution and general laws of this state.

SEC. 22. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, alms-houses and all works which involve the public health or safety.

SEC. 23. Subject to the provisions of this constitution, any city or village may acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation to the municipality and the inhabitants thereof; and may also sell and deliver water, heat,

power and light without its corporate limits to an amount not to exceed twenty-five per cent. of that furnished by it within the corporate limits; and may operate transportation lines without the municipality within such limits as may be prescribed by law: Provided, That the right to own or operate transportation facilities shall not extend to any city or village of less than twenty-five thousand inhabitants.

SEC. 24. When a city or village is authorized to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law: Provided, That such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such city or village, but shall be secured only upon the property and revenues of such public utilities, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.

SEC. 25. No city or village shall have power to abridge the right of elective franchise, to loan its credit, nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any city or village acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of three-fifths of the electors of such city or village voting thereon at a regular or special municipal election; and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

SEC. 27. The legislature shall not vacate nor alter any road laid out by commissioners of highways, or any street, alley or public ground in any city or village or in any recorded town plot.

SEC. 28. No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any city, village or township for wires, poles, tracks or conduits, without the consent of the duly constituted authorities of such city, village or township; nor to transact a local business therein without first obtaining a franchise therefor from such city, village or township. The right of all cities, villages, and townships to the reasonable control of their streets, alleys and public places is hereby reserved to such cities, villages and townships.

The Paine Law in Ohio.

JOHN R. SCHINDEL, CINCINNATI,

Governor Cincinnati City Club.

The so-called Paine Code is not in itself a complete charter, and for that reason any attempt to explain or describe its provisions and operation must necessarily be introduced by a description of the law out of which it grew and to which it was an amendment.

In 1851, when our present constitution was adopted, the total population of Ohio was 1,980,329, and the total population of all incorporated municipalities was 373,828; more than five times as many people lived in the country as in cities and villages. In the next fifty years the population doubled, and in 1900 considerably more than half of the people lived in municipalities. In other words, while the total population of the state had increased about one hundred per cent., the population of cities and villages had increased more than seven hundred per cent.

This marvelous growth of inhabitants in Ohio had more to do in accelerating the various movements of civil reform and in inducing a closer analysis and criticism of municipal affairs and directing a more careful scrutiny of the constitution of 1851 than any other cause. That constitution contains three provisions which are of special interest to municipalities. First, that the general assembly shall pass laws to provide for the incorporation of cities and villages and limit their powers of taxation, borrowing money, etc.; second, that all laws of a general nature passed by the general assembly shall have a uniform operation throughout the state; and, third, that no special act shall be passed granting corporate power.

In 1852, the general assembly passed the first municipal code. It divided municipalities into cities, first and second class, and villages, and contained one hundred and eleven sections. Between that date and 1869 more than one hundred and eighty-four acts were passed amending and supplementing the law, and

in the latter year the second municipal code was adopted. This contained the previous system of classification which remained unchanged until the statutes were revised in 1880, when the subdivision of grade was introduced and special charters were thereby created for the five largest cities of the state. From that time on every succeeding session of the general assembly called forth new refinements in the art of isolating municipal corporations. Fourteen grades and classes of cities and villages were created and nine of these included one city each. The result was that every large city in the state was governed by a special law, and the most trifling differences in population and characteristics were made to justify so-called classifications. The condition became so bewildering that it was an almost impossible task to discover the class or grade of a particular city. The legislature completely usurped the duties of local councils and home rule was entirely destroyed. The legislature determined for nearly every city in the state what officers they should elect or appoint, what salaries should be paid, what streets or hospitals should be built, what the tax limit should be, what bonds they should issue, and what power each and every department of the government should exercise.

In the closing days of the nineteenth century the general assembly passed an act authorizing the governor to appoint a commission to revise the municipal laws of the state.

Supreme Court Decision This commission prepared and reported a bill which, though not favored by all advocates of uniform municipal government, seemed to provide relief from the evils of special legislation; it failed to pass and their hopes seemed indefinitely deferred when, in June, 1902, the supreme court of Ohio overthrew all classification of municipalities in the state as it had developed since the adoption of the constitution of 1851. Perhaps never before had such a condition prevailed in any state. Nearly every municipality was operating under an unconstitutional law. Acting upon the suggestion of the supreme court, the governor called an extraordinary session of the general assembly, which, after several months of wrangling, during which the great opportunity which was presented to

take a long step in the advancement of municipal government was entirely lost to sight, adopted an act known as the Municipal Code of 1902.

This act was a patchwork and rather the re-adjustment of existing laws to meet the conditions brought about by the decisions of the court than the enactment of a new law. It was a combination of the methods devised for the government of the *smaller* municipalities of the state and the old special charter of Cincinnati. It divided municipalities into cities and villages, those of 5,000 or more being cities, and all others villages. The scheme of government was the same as that of the state, being divided into executive, legislative and judicial. The legislative department consisted of a council composed of not less than seven members, four of whom were elected by wards, and three at large, with the proviso that for the first 20,000 inhabitants in the city in addition to the first 5,000, there should be two additional members of council elected by wards, and for every 15,000 inhabitants thereafter one additional member similarly elected; that if the number of members was fifteen or more, one member out of every five should be elected at large, and all were to serve for two years. The executive power was distributed among nine elective and four appointive officials, not one of whom was responsible to any one else. The mayor, auditor, solicitor, treasurer and either three or five members of a board of public service, depending upon the action of council, were elected for terms of two years, and the mayor was authorized, with the advice and consent of two-thirds of the members elected to council, to appoint either two or four members of a board of public safety for terms of four years, not more than half of whom should be members of the same political party. The board of public service was the chief administrative authority; it supervised and managed all public works and public institutions, and the repair and improvement of streets; it managed all water, heating and lighting plants, parks, baths, markets, cemeteries, all public buildings, work-houses, houses of refuge, infirmaries or hospitals. The board of public safety managed the police and fire departments.

In addition, the act provided for the election of a police judge,

police court clerk, and for the appointment by the mayor of a bi-partisan board known as the sinking fund trustees and tax commissioners, who were to serve without compensation, and a board of health. The mayor was made the chief conservator of the peace, but was not the active executive head of the police department, and was authorized, whenever he deemed it necessary, to call the directors of the several departments of the city to meet with him for consultation and advice upon the affairs of the city, and was given a veto power over the acts of council. He was, therefore, nominally the head of the city, but actually had no power. Neither the directors of public safety nor the directors of public service, nor the heads of any sub-departments were responsible to him for their actions. They were required to listen to his advice, but were not compelled to heed it. There was, therefore, a total lack of co-ordination and unity in the government of the city, and it was impossible with such lack of organization to impel foresight upon the part of city officials. The dissipation of responsibility was deliberate and complete, and has since been termed by Dr. Wilcox as "the most striking example of deliberate dissipation of responsibility to be found."

The code had been in force but a short time when it became apparent that a business-like and thoroughly satisfactory government could never be obtained under its provisions. From time to time bills were introduced into the legislature providing for a radical change, but it was not until the spring of 1908 that success crowned the efforts of those seeking to improve our municipal charters. At the session of the legislature in that year a bill drawn by Hon. Louis H. Paine, of Toledo, finally became a law. As heretofore stated, it was not in itself a complete charter, but consisted merely in amendments to the so-called code of 1902. The three branches of the government, legislative, executive and judicial, remain distinct. It leaves the council just where it found it. It wipes out the board of public safety and the board of public service, but leaves the auditor, the solicitor and the treasurer still to be elected by the people. It places in the hands of the mayor the appointment of a director of public safety and a director of public service for indefinite terms, and for the first time places upon his shoulders the re-

sponsibility for the conduct of these two principal departments of the city. He is given full power to remove at his pleasure either of these directors and the heads of the sub-departments. Hospitals, prisons, work-houses, charitable institutions, and the department of buildings are turned over to the department of public safety, and its director is made the chief administrative authority of each of these sub-departments. The director of public service is charged with the supervision of the improvement and repair of streets, avenues and other public ways; the lighting, sprinkling and cleaning of all public places and the construction of all public improvements and public works. He is also charged with the management of municipal water, lighting, heating, sewer and garbage plants and other undertakings of the city; baths, play-grounds, market-houses, cemeteries, crematories and all sewage disposal plant and farms, and with the supervision and construction of all public buildings and other property not specifically provided for. In addition, he has authority to establish such sub-departments as may be necessary and to determine the number of superintendents, deputies, inspectors, engineers, clerks and laborers, and such other persons as may be necessary for the execution of the work and the performance of the duties of his department.

For the first time in the history of Ohio a general merit system is introduced into our municipal governments. The police and fire departments have for some years been under a somewhat unsatisfactory merit system, but this act extends civil service to all departments of the city. It provides that the president of the board of education, the president of council and the president of the sinking fund trustees, which board remains unaffected, shall constitute a commission for the appointment of civil service commissioners for terms of three years, who in turn have power to adopt rules and regulations for classifying and carrying into effect the civil service provisions. It permits the division of positions into a classified and unclassified service, the latter of which may include the positions of officers elected by the people or appointed to fill vacancies in offices filled by popular election, or whose appointment is subject to confirmation by council, or who are appointed by any state

officer; employees of council; persons who by law are to serve without remuneration; persons who are appointed to positions requiring provisional or technical skill; persons appointed or employed to give instruction in an educational institution; persons appointed by any board or officers supervising elections; persons who, as members of a board, shall have charge of any principal department of the city; the head or chief of any division or principal department of any city relating to engineering, water works, street cleaning or health; the chief of the police department; the chief of the fire department; the superintendent of any work-house, house of refuge, infirmary or hospital; the librarian of any public library, private secretaries, deputies in the offices of the city auditor and city treasurer; all unskilled laborers and such appointees of the civil service commission as they may by rules determine; the classified service comprises all offices and places not included in the unclassified.

All applications for admission to the classified service are required to be subjected to a competitive public examination open to all residents of the city. Such examinations are subject to such rules and regulations as the commission may prescribe for grading offices and positions similar in character in groups or divisions so as to permit the filling of the offices and positions in higher grades through promotions. The applicants take rank upon the register as candidates in the order of their relative standing without reference to priority of examination, and the results of the examinations are accessible to every one. The appointments will be made by the appointing board or officers notifying the commission of any vacancy to be filled. The commission thereupon certify to such board or officer the three candidates graded highest in the respective lists. Such board or officer shall then appoint one of the three so certified. Each appointing officer is required to report to the civil service commission forthwith upon such appointment the name of such appointee, the title and character of office, date of commencement of service and the salary or compensation thereof, which information shall be kept by the commission in their office in a roster of all persons in the classified service of the city and shall be open to inspection at all reasonable hours. There is nothing in

the act to prevent the dismissal or discharge of any appointee by the removing board or officer, except that the chief and members of the police and fire departments shall be dismissed only under certain regulations; but no officer or employee in the classified service who shall have been appointed under these regulations shall be removed, reduced in rank or discharged except for some cause relating to his moral character or his suitability to perform the duties of his office; but he may be suspended from duty for thirty days pending investigation of charges against him. Such cause shall be determined by the removing authority and reported in writing with a specific statement of reasons to the commission, but shall not be made public without the consent of the person discharged, and before such removal, reduction in rank or discharge the removing authorities shall give such person a reasonable opportunity to know the charges against him and to be heard in his own behalf. The salaries of the commission shall be provided by council, and they shall also provide such clerical force, examiners and such necessary expenses and accommodations as may be proper to carry out the work of the commission. To prevent interference with public business or to meet an extraordinary emergency the mayor may make temporary appointments.

In short, this law is a modification of the so-called federal system in seeking to fix responsibility and produce unity in our city governments. Many times the pure federal system has been urged upon the legislature, but invariably the cry of one-man power was raised and the fact that the solicitor stood as a buffer between extravagance and illegal expenditures on the part of the city officials and the people, was urged as a reason why he should be the people's choice. This modification resulted. The **Mayor's Cabinet** mayor's cabinet, instead of consisting of the heads of all the departments of the city, consists of the heads of the departments of public service and public safety, who, together with the mayor, constitute the board of control. It is this board which must be looked to to give to a city an intelligent unity and impel the foresight and unity of action which, under the previous system, was impossible. To this board must come every contract which calls for an expen-

diture of more than \$500, and upon them rests the duty of preparing the principal estimates of revenues and expenditures upon which the mayor must base his budget.

This law will undoubtedly work satisfactorily in the smaller municipalities where but seven councilmen are to be elected, three of those being from the city at large, and in which the men likely to run for office will be known; but in cities the size of Cincinnati and Cleveland it will be far from providing a satisfactory government. In those cities councils of thirty members must be elected, twenty-four or more from wards, and, in addition to the mayor, a treasurer, an auditor, a solicitor, a police court judge and clerk of the police court. Every elector must have upon his ballot at least twelve and probably more candidates, and these candidates will be voted for on ballots containing party tickets and party emblems.

The foregoing is but a brief outline of the Paine Law, but to those of you who for many years have been giving careful thought and study to municipal problems it is at once apparent that it fails to remedy many of the worst evils of our municipal systems and does not embody many of the essential principles which underlie successful municipal government.

It permits the retention of large, unwieldy councils whose membership is largely elected from wards with all the known evils of the gerrymandering of ward politics. It does not limit the elective offices to such a number and such character as will incite interest; will permit an intelligent choice of candidates by the average elector and relieve him from the confusion which necessarily results when a multitude of offices are to be filled. Candidates for municipal offices will still be nominated at party conventions or at primaries conducted on political lines and for political parties, and will be elected upon ballots containing party tickets and bearing party designations and emblems. No provision is made for the necessary differences of condition which exist between cities of five thousand and those of four hundred thousand population, and practically no opportunity is given for intelligent home rule. The legislative department is still permitted to mix in administrative functions; and its members go out of office in a body. The temporary tenure and shifting per-

sonalities of the fiscal and law officers will continue to have the same demoralizing effect as in the past. The law provides for no initiative, referendum or recall and contains civil service provisions which permit the exclusion from the classified service of a large part of the positions of the government.

The embodiment in municipal charters of the principles suggested by these criticisms is recognized by the municipal program of this League as essential to successful municipal government, and have been brought into practical and efficient operation in the Des Moines or commission plan, which has worked so satisfactorily in Des Moines, Galveston and other cities, and has recently been recognized by the electors of the city of Boston, by the adoption, against the wishes and in spite of the opposition of the politicians, of a charter which is only a slight modification of the Des Moines plan.

The Paine Law is a vast improvement upon the Municipal Code of 1902 and a long step in the direction of better government in Ohio. For the first time responsibility will in some measure be fixed and defined and the mayor will become the principal, though not the complete, executive and administrative head of the municipality. The failure of the law to embody so many of the principles essential to successful government may have been due partly to the fact that the provisions of our constitution heretofore enumerated possibly stood in the way, but probably more to the fact that the people of Ohio have not yet fully awakened to a realization of the fact that a municipality is a business corporation and not a political organization, that national or state party politics have no proper place in its affairs, that to be eminently successful it must be conducted upon business principles, and that each community of any size must, by means of special legislation properly safeguard, have some opportunity to provide for and meet its own peculiar conditions.

Municipal Budgets and Expenditures.

Hon. Le GRAND POWERS, WASHINGTON, D. C.,
Census Bureau.

This is an era of constitutional and democratic government. Everywhere the people are coming to have an increasing voice in the management of their common affairs, the most important of which are those relating to the collection and expenditure of money. The Magna Charta of English liberty which the barons wrested from King John at Runnymede has as its most important sections those which guaranteed to Parliament the control over the public purse. Since the granting of that charter of Anglo-Saxon liberty, English-speaking nations have led in the world movement for constitutional and democratic govern-

**Power Over
Public Revenue** ment by securing for the masses of their people an ever-increasing power over public revenue, public taxation, public expenditure, and public indebtedness. Free institutions have been established, just laws enacted, honest and efficient enforcement of old laws secured, and reform of earlier governmental abuses brought about only as the people, rather than any select few, have come to exercise control over governmental finances.

In some respects the control secured by the people of Great Britain over governmental finance is more perfect than that exercised by the citizens of any other country. That control in Great Britain is realized through what is known as "the budget", which is the designation employed in speaking of a statement of public revenue and expenditure for the ensuing year, with financial proposals founded thereon, which is annually submitted by the Chancellor of the Exchequer on behalf of the ministry, for the approval of the British House of Commons. In making this statement to Parliament, the Chancellor presents an estimate of the probable income and expenditure for the following twelve months, and sets forth a statement of the general financial policy of the government, including a declaration of

the old taxes which it is intended to reduce, abolish, or increase, or what new ones it may be necessary to impose.

The term "budget", which had its first use in Great Britain as above set forth, has in more recent years been applied in the financial administration of our American cities

English Budget to statements of municipal revenues and expenditures, whether partial or complete, which are made the bases of general appropriation ordinances. The end sought by these so-called American municipal budgets is identical with that realized by the British national budget. It is to assist in securing and enforcing popular control over municipal finances. Before our cities fully realize this end, their financial administration must undergo a number of changes, as has that of the British national government. The struggle with King John at Runnymede was to take the control of English finances from the King and vest it in the barons. Later struggles, whose results are embodied in the constitutional practices of the kingdom, have wrested that control from the modern representatives of the barons—the House of Lords—and given it to the House of Commons, and through that House to the masses of the British people. In the course of centuries that control has developed from a nominal into an actual one; and cabinets without number have fallen, and many Parliamentary elections have been called upon issues raised by the terms of budgets submitted by the chancellors of the exchequer; and sooner or later every parliament must give way to a successor, if the ministry does not embody the popular wish in its budgets. In this connection it should be further noted that great constitutional reforms have frequently been secured through the adoption or rejection of proposed budgets, and during the present year the British people are by the financial proposals of the Honorable Lloyd George brought face to face with a political, economical, and social revolution that is as great as those resulting from the acts of the barons at Runnymede, of Cromwell at Marston Moor, or the Reform Parliament of 1830.

Turning from the British government to the governments of our American cities, we note first, that the differences between the British imperial Government and those of our American cities

are not such as naturally and inevitably preclude the possibility of making municipal budgets as effective for good government and for popular control over fiscal affairs as the British budget is for securing such control over national finances; and second, the American city budget, as at present framed, is an instrument far removed from the British budget in form, and is made to serve purposes quite foreign to those obtained by its prototype as set forth above.

**American
Municipal
Budgets**

In theory, at least, the people of our American cities other than Washington have control over their finances. Appropriations are made by a single or double-chamber council, which theoretically represents the people. But budgets and appropriations when prepared are generally so arranged that the average citizen can form no intelligent judgment with reference to the wisdom and expediency of any of the financial proposals. As a result, the ordinary American municipal budget and the average annual appropriations of our American cities represent no popular control over municipal finances, but the control of a select few, acting in such a way that they are practically not responsible to any one for their acts. In the majority of our larger cities, the municipal budget and municipal appropriations embody the wishes and judgment of a small quota of irresponsible bosses, rather than the wishes and judgment of the people. In like manner, the appropriations of the city of Washington represent the wishes and judgment of a small circle of Congressmen, and seldom could secure the intelligent support of the majority of the business men of that city. The financial situation in Washington is generally conceded to be a negation of the theory of constitutional and democratic government; and yet, I am firmly convinced that it is no more so than the corresponding situation in other cities.

The highest type of city as of national government must be a government which makes budgets and appropriations reflect the enlightened judgment of all the people, and not that of a privileged few, whether Congressmen or city bosses. In the average American city the people are becoming aroused to this fact, and are trying to put curbs and checks upon the unlimited powers of

a budget. The council of such cities at the beginning of the year makes a tax levy of a certain number of mills on the dollar and apportions the proceeds of such levy and other revenue receipts in fixed proportions between the several departments. Subject to the limitations of the percentages of revenue assigned them, there is not even a nominal popular control over the financial transactions. Such policy of administration takes us back in British affairs to the days of Charles and Cromwell, and suggests quite forcibly the need of arousing public spirit and the introduction of something approaching business methods in administering municipal affairs.

The budgets of the great majority of American cities that make a pretense of conducting governmental affairs on a business basis, and which pass appropriations in stated amounts for specified purposes or objects, fall short of the British national standard in a number of particulars. Their principal defects are their incompleteness and their lack of systematic arrangement, and thus of lucid or intelligible presentation. These defects will be considered in the order here mentioned.

A few, and only a very few, of our cities embody a complete exhibit of their administrative program for a given year in their

Completeness a financial proposals, or so-called budgets, submitted as the basis of the year's appropriations.
Requisite

These cities bring into one statement estimates of their expenditures for the coming year for all purposes, whether for departmental maintenance or permanent structures and improvements. Such statements, whether constructed along intelligible lines or otherwise, show the relation of revenue to expenditures, and the effect of the proposed financial transactions of the year upon the municipal credit or indebtedness. They disclose whether the expenditures will exceed or fall short of the revenue, and thus whether the expenditures must be met in part by the issue of bonds or by other forms of credit; or whether the end of the year will find the city's indebtedness decreased, or its available resources increased.

In contrast with the foregoing, the average American city, if it prepares estimates of the costs of government for the ensuing year, prepares them in sections and acts upon them at different

some other cities. The great defect and the resulting evils which follow the separation of revenue appropriations into several sections acted upon by separate ordinances have already been noted. The separation of appropriations to be met from revenue from those to be met from bond issues differs in extent, but not in principle, from the division of the revenue appropriations into groups to be acted upon at different times and without reference one to the other. It prevents the concentration of the attention of the masses upon questionable appropriations. This result of separating revenue from bond appropriations is felt in all cities in which the provisions of the charter or of general statutes do not compel a referendum vote upon all bond issues. Where such referendum is required, the separation mentioned, instead of working mischief, generally secures an added popular supremacy and control over revenue as well as bond appropriations.

The ordinary revenue appropriation, generally called "budget appropriation" comes closer to the British budget in completeness when passed in one division than when enacted in a number. But even the single revenue appropriation ordinance of American cities seldom contains complete provision for all the expenditures that are fittingly called "revenue". As a rule it commonly provides for meeting from 90 to 95 per cent. of the current costs of maintaining the departments and public service enterprises—costs which the Bureau of the Census, following the general usage of commercial accountants, calls "expenses". They also generally provide for meeting all sinking-fund requirements, and all special debts which fall due in the current year, and whose liquidation is not met by sinking fund assets, but leave at least 10 per cent. of the current expenses of the city unprovided for.

Thus, New York, in its so-called budget for 1908, which had a total of \$140,572,266 of appropriations, included in that total \$100,129,000 for meeting departmental expenses, and \$8,368,000 for liquidating so-called "special revenue bonds". The latter appropriation was made necessary by departmental expenses for the preceding fiscal year, not provided for by the general financial appropria-

New York as an Example

tion of 1908. Here is a failure to include over 8 per cent. of the current costs of departments in the appropriations for the year for which those costs were incurred. The possible evil or mischief of this practice may be noted by the following fact: By this method of preparing financial proposals, many large appropriations for meeting current expenses are made when there is no public discussion or even general knowledge of the budget. This practice allows political bosses to grant favored branches of the service larger amounts than appear on the surface, and never permits any ready and accurate statement to be made from the appropriations of the actual and relative costs of any of the branches of the service.

But New York City is not a sinner above all others in the matter of additional or supplemental appropriations. The great majority of cities which permit large appropriations for deficiencies and meet the same by revenue bonds, revenue warrants, or other means, must be placed in the same list.

Budgets should be honest exhibits of the plans of the administration. They cannot be honest until they are full, complete, and explicit; until they are such, they are like all other deceptive statements—the agents of dishonest, inefficient and wasteful government. To make budgets the agents of good and efficient government, they must be exhibits of all the expenses which administrative officers are expected to incur but not to exceed) during the ensuing fiscal year. In Great Britain, save in such extraordinary emergencies as a great war, there are no appropriations that are not “budget appropriations”. The budget is a statement of all desired or contemplated appropriations or expenditures for the ensuing year. The people in discussing it are considering all the costs of government for a year. From a lucid and intelligible presentation of such a budget (such as Gladstone was accustomed to make, and such as the Honorable Lloyd George made this year) the people can form an intelligent opinion concerning the relation of the budgetary provisions to their own interests, wishes and expectations. But what ordinary citizen, from a budget such as is presented by the average American city, can form an intelligent judgment concerning the effect of the municipal expenditures upon public debt, or the relative merit

of expenditures for any branch of the service? The only persons who can form such an opinion are those in the secret councils of the reigning powers that be.

This brings me to a consideration of a second characteristic which must be embodied in municipal budgets, if they, like the British national budget, are to be made efficient instruments for securing popular control over the administration of governmental finance. The

**Analytical
Statements
Essential**

British budget is not only a complete statement of all proposed expenditures and revenues for the ensuing fiscal year, and thus an exhibit also of the effect of current financial transactions upon public debt; it is an analytical and lucid statement of such expenditures, revenues and debt. The city budgets, if they are to be made anything more than the plaything of city bosses to fool the people, must be not only complete but also analytical and intelligible statements of the fiscal policy of the municipal administration; of the actual and relative costs of administering each and all of the departments and financial activities, and of the effect of expenses, interest charges, and outlays, upon municipal debt and public credit. They must further be complete as well as lucid statements of that policy, costs, etc.

You have doubtless all heard the old story of Dean Swift and the sailor, wherein it is narrated how the Dean had explained to the sailor the two great fundamental requirements of the Christian and the good man of every faith. The Dean had declared that the Christian must be at once prayerful and watchful; and however prayerful he might be, he could not be classed as a Christian unless watchful; nor could he be called Christian if watchful unless prayerful. If you have heard the story, you doubtless remember how the sailor induced the Dean to say the Lord's Prayer; first, as ordinarily repeated, and later backward from "Amen" to "Our Father". And while the Dean was

Lucidity

busy with the prayer in the latter form, the sailor drank up the wine which the Dean had ordered for himself. You will further recall the fact that the sailor when asked for an explanation of the absence of the wine, said "Sorry to say it, Dean; but say it I must. You do not understand your business. You prayed all right, but forgot to

watch; and I drank your wine." So, in this matter of budgets: They must be lucid as well as complete, and complete as well as lucid statements; and those that possess one of these qualities and not the other fall as far short of what they should be as the Christian who is not at once prayerful and watchful.

I have called your attention to some budgets which are incomplete and incomprehensible statements of proposed expenditures. Permit me in passing to call attention to the very lucid but incomplete statement which the Comptroller of New York City prepared to accompany the late budget of that city. That statement is embodied in a pamphlet containing comparative tables, classifying and grouping revenue appropriations for a series of years. It is a complete and lucid statement of over 90 per cent. of the revenue appropriations, and yet is not a complete exhibit of expenditures to exceed 70 per cent. of the total costs of government for a single year. The Comptroller's explanatory exhibit of this limited portion of the year's expenditures is the clearest and best of its kind that the speaker has seen accompanying American municipal revenue or other estimates for appropriation. The principles underlying the Comptroller's exhibits are those which the speaker wishes to commend; and yet the clearness of statement with reference to 90 per cent. of the revenue appropriation, or 70 per cent. of the total appropriation, cannot be accepted as a substitute for completeness and lucidity for every feature. We must make our budgets clear and intelligible and also complete; and complete as well as intelligible.

A statement of municipal expenditures and budgetary proposals for expenditure, to be intelligible, must be an exhibit of those expenditures classified according to functional activity. That classification must follow along the general lines pointed out by Wagner and other German students of governmental finance. It must embody the results of the studies of American students in the same field, as those studies are gathered into the scheme promulgated several years ago by the National Municipal League for uniform accounts and reports of cities, and later made the basis of the schedules and reports of the Bureau of the Census relating to the financial transactions and conditions of cities having a population of over 30,000.

In a general way the principles underlying the classification referred to have been approved by the League of American Municipalities, the National Association of Comptrollers and Accounting officers, and all of the state and other local associations and organizations of city officials in the United States and Canada, as well as all our leading students and teachers of public finance and municipal administration. In a general way they are embodied in the explanatory exhibit of the New York City Comptroller accompanying his revenue budget, to which attention has already been called.

The National Municipal League, the League of American Municipalities, the National Association of Comptrollers and Accounting Officers, and a number of other organizations have in more recent years committed themselves to the idea of uniform municipal budgets classified along the lines accepted for the proposed scheme of uniform accounts and reports. The publication by the United States Bureau of the Census during the past six years of uniform, classified reports of municipal transactions and indebtedness has demonstrated a number of things concerning municipal administration. It has shown the power of intelligent criticism and the value of comparative statements of the costs of government in different cities in checking useless and wasteful departmental appropriations and in increasing appropriations that are calculated to promote public health and general well-being. To enable the cities themselves to prepare their own reports along the same lines and thus enlarge the field within which municipal reports can be made efficient for good government, the budgets and appropriations must be prepared along the same general lines with those classified exhibits of expenditure. In advocating the preparation of uniform municipal budgets, the organizations and associations referred to wish, therefore, to accomplish two distinct results. They desire to guarantee the extension of the field within which uniform accounts and reports can be made useful in securing public control over municipal financial administration, by accompanying the budget with the accounts and reports as contemplated. They also desire to prevent appropriations under circumstances that beget wasteful expenditures. They desire, therefore (to paraphrase certain popu-

lar proverbs), to lock the stable door *before* the horse is stolen, rather than to disclose how the horse *was* stolen and what became of him. The endeavor to secure this result is based upon the well-known fact that men care more for live horses than for dead ones. If they can be informed in advance of all the expenditures that are being considered for authorization the next year, the reason for them, the relation of such expenditures to taxes and debt, they will take a great interest in preventing bad and wasteful expenditures and in encouraging those making for good government; while they will devote but little time to denouncing unwise past expenditures for which no one can be punished, and in bemoaning excessive past taxes which can never be lessened or recovered.

The uniform accounts and uniform reports for which our municipal associations and municipal reformers, students and citizens interested in good government have been greatly interested during the past few years are good. They help all concerned to find fault, or make their criticisms of past governmental action intelligible and correct. But fault finding and criticism of past wrong-doing are not the only desiderata of good government. The people of England could criticise and denounce and find fault with King Charles's use of the old royal taxing power. They cut off the King's head to stop the exercise of such power, and under Cromwell asserted the power of control in advance. That is the issue to-day in municipal affairs. The people are not satisfied with finding fault after accomplished facts. They want to stop the bosses from unjust taxation and unwise expenditure, as the old English Parliament restrained the kings from action until their consent had been obtained. The classified and uniform budget is the only possible basis of providing the people with advance knowledge concerning the character of proposed financial transactions and their effect upon the interest and welfare of the masses. With such a budget prepared every year, by which the citizens of a given city can know in advance how every class of proposed expenditures compares with the like expenditures of other cities, and how the proposed expenditures of the year compare with those of other years; with budgets that show the rela-

**Uniform
Accounts and
Reports**

tion of all expenditures to the popular well-being and all the complex administrative problems of the city, there is an opportunity to make public opinion upon governmental questions an intelligent judgment, and also to make that opinion supreme over the ordinary city council, and in the case of Washington, supreme even over the national Congress. Without it, the people are even more powerless in the average city than are the citizens of Washington in their past and present efforts to control or modify the judgment of the national Congress.

In this connection permit me to make a second application of the story of Dean Swift and the sailor, to which I have already referred. The citizen cannot be a good Christian or a good member of the body politic unless he is at once prayerful—that is interested in having the Lord on the side of good government—and also watchful over all governmental transactions. People of all sects and religions—Protestant and Catholic, Christian and Jew—are prayerful enough. They call enough on the Lord to give them good government. But we should not blame them unduly if they fail in watchfulness, provided they have no opportunity to watch, or through watching to form an intelligent opinion of the character and results of governmental financial transactions. It is to provide a way for the common people who are prayerful and are interested on the side of good morals, honesty, and efficiency of government to watch, that I come before you; and through you ask the legislative powers that be to provide our cities with complete, classified, and intelligible budgets, so that the people can watch as well as pray, and thus make their prayers and good intentions and good desires effective for good government.

One word more and I will close. In past years the various departments of the government of the District of Columbia have presented their estimates of the expenditures which they recommended for the ensuing fiscal year. All of these departmental estimates were prepared under old and antiquated general titles which conveyed no inkling of the purpose for which the appropriations asked for were to be expended, and no ordinary business man could,

**Prayerfulness
and
Watchfulness**

**Finances of
Washington**

in the leisure at his disposal, tell which ones were excessive and permitted the wasteful or extravagant expenditure of money. Under such circumstances, those interested in special departments or particular appropriations could sometimes secure more than their just share of the public money; and others unable to stir up as much tumult, or raise as much dust to throw in the eyes of Congress failed to secure sufficient appropriation to perform the duties which could reasonably be demanded or expected from their office. The budget recently prepared by the Auditor and forwarded with the approval of the District Commissioners for action by Congress next winter, is arranged on an entirely different basis. It presents exhibits of past expenditures for a series of years, classified according to the functional activities of the municipal government. It shows the changes made in the grants of Congress for all these activities during the years covered by the figures. It asks for appropriations within limits specified for the ensuing year, and further asks that Congress in making its appropriations may not only authorize expenditures in amounts such as are asked for, but in the form requested; so that accounts may be kept and reports made along the lines now recommended by all civic associations and by all students and teachers of governmental finance.

The allotments made by the Auditor and the Commissioners for particular departments and specified purposes may or may not be the expression of the best civic judgment. It is hoped that they are representative of that judgment; but they may all be conceived in prejudice and begotten of ignorance of actual conditions and needs, and yet I would in that case as in the one first stated, recommend the form of the budgetary estimates submitted, and join in the recommendation of the Commissioners that the appropriations be on the lines cast of the estimates submitted. As a resident of Washington, I so recommend because the form presented is one which will best enable every slighted interest, if such there be, to demonstrate that fact in the most convincing manner. It is a form of financial proposals which will be readily understood by the people of the District; and when this fact sinks into the public consciousness, great numbers of our citizens who have hitherto taken no vital interest in

our common affairs because they could not understand the issues involved, will be roused to activity; and thus aroused, a practical consensus of public opinion can at no distant future period be reached, with reference to the actual and relative public expenditures that should be authorized for the support of our various governmental activities.

Washington is the capital of the nation; and if its accounts and budgets can be arranged to reflect the recommendations of all those who have made a study of the same from their relation to good and efficient government, the action at Washington will have an early and widespread influence for good in every municipality on this continent. It will also exert a beneficent influence in the preparation of national and state budgets and appropriations, and in the form of all governmental reports and accounts. Shall not the voice of this association be raised to support the action of the Auditor and Commissioners of the District of Columbia in favor of the proposed form of the appropriation act for the District of Columbia?

Budget of the District of Columbia.

ALONZO TWEEDALE, WASHINGTON, D. C.,

**Auditor of the District of Columbia and President of the National Association of
Comptrollers and Accounting Officers.**

I have been requested to address this association on the subject of the new budget form of the District of Columbia, a question correlated to that of Dr. Powers entitled "Municipal Budgets and Expenditures," and as a practical subject, one which will, in view of its national character, tend to materially advance the cause and spread the doctrine of uniformity in municipal accounting.

The budget is, to my mind, the most vital of all the important municipal objects. I am interested in the subject for three reasons.

First. As the auditor of the municipal government of the District of Columbia, charged to a large extent with the responsibilities of the financial transactions of that government, I have seen the beneficial effect of a tentative trial of some of the operations of the new budgetary form, and the results have far exceeded the most sanguine expectations.

Second. As President of the National Association of Comptrollers and Accounting Officers. Our association has given to the subject long and careful consideration, and has been the means of starting the budgetary movement in several cities where our representatives are located, and, moreover, the Association at its annual convention held in Louisville, Kentucky, in September, 1908, adopted the general form upon which the budget of the District of Columbia has been constructed.

Third. After years of study given to municipal plans and expedients, I am satisfied that at this point in the life of municipal business, the yearly consideration and preparation of the budget, must originate that legislative and administrative control which will develop and ascertain the facts pertaining to the need of cities, thereby making possible those allowances and restrictions which will warrant that each function of government is receiv-

ing that part of the revenue fund to which it is entitled, and, also, by an analytical and restrictive process prevent the misappropriation and conversion of the municipal fund. Moreover, in a well-organized budget, constructed upon business principles, there should appear the general outline of the accounting to be followed in the statement of the city's accounts and reports of the business transacted, and through which accounts as extended by means of analytical and statistical tables, it will be possible to intelligently operate the financial control of cities, upon which control, to a very large extent, depends the economy and efficiency of administration and the knowledge that the legislative control, as operated through the administrative control, is neither perverted nor diverted.

The budget of the District of Columbia must differ in some respects from that of other municipalities, for in this jurisdiction the control is placed, not in the hands of the local citizenship but, in the hands of the whole people of the United States through Congress under the terms of the Constitution of the United States, in the following language:

The Congress shall have power *to exercise exclusive legislation* in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular states and acceptance of Congress become the seat of government of the United States.

Under this grant of power the Congress of the United States, by an act approved June 11, 1878, created a commission form of government, which act was entitled "An Act providing a permanent form of government for the District of Columbia," this being in all probability the earliest permanent form of government by commission in the United States.

In order to give a clear and comprehensive view of the operations, needs and requirements of the District budget, it will be necessary to invite your attention for a moment to the peculiarities of this government.

Under the act above referred to it is provided, the President of the United States by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an

officer of the Corps of Engineers of the United States Army whose lineal rank shall be above that of a captain, shall be Commissioners of the District of Columbia. That the two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else.

**Government of
Washington**

The act as amended, among other things, provides that the tax rate of the District of Columbia shall be one and one-half per cent. on real and personal property, and that this rate shall be assessed upon the real property within said District at not less than two thirds of its actual value, and that the rate should be applied to personal property upon the basis of its fair cash value. The receipts from these sources of revenue, as well as all licenses and fees, are paid to the collector of taxes, and are by him, under the requirements of law, deposited daily in the treasury of the United States.

In lieu of taxes upon its real-estate holdings or other forms of contribution, the Federal Government, in order to provide the means of enabling the municipal government to maintain streets and avenues of the size required in a national capitol, and to provide for the extra police and fire protection, and the extra health and sanitary measures, and the innumerable additional and extra requirements of a city embracing within its civic life that of the national capital of the United States, has provided that the commissioners shall submit to Congress a statement in detail showing the work proposed to be undertaken by them during the fiscal year next ensuing and the estimated cost thereof; and it is further provided that to the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of fifty per centum thereof, and the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District.

With this short review of the control of the District government, and the method by which it is derived, and of the authority

to raise revenue and its method of collection, I invite attention for a moment to the steps taken in accordance with law through and by which the budget is finally enacted into law.

The commissioners about the first of July each year call upon the heads of departments of institutions, and upon each separate

**Steps in
Preparation of
Budget**

head in charge of a governmental function, to submit upon a form prepared for that purpose an estimate of the amount required by his department for the ensuing year, with the caution that said estimate is to be prepared in exactly the same form in which the estimates were prepared for the previous year, and any changes desired or increases required are to be made by means of notes of explanation. This caution is given because of an act of Congress which requires that the estimates shall be prepared and submitted each year according to the order and arrangement of the appropriation acts for the year preceding. This act further provides that "The committees of Congress in reporting general appropriation bills shall, as far as practicable, follow the general order and arrangement of the respective appropriation acts for the year preceding."

After the estimates called for by the commissioners are received, the commissioners proceed to review them, item by item, calling for the facts in each case where there is doubt, and allowing or disallowing, as in their judgment the facts seem to warrant. After all the estimates are thus reviewed, the result is prepared on estimate forms furnished by the Treasury Department. These forms provide to the left of the sheet for the general object, title of appropriation and details and explanation; in the next column provision is made for "Date of acts, or treaties, providing for the expenditure"; this is followed by a column providing for "References to the statutes at large or the revised statutes of the United States relating to such authority." The last three columns provide for the estimated amount required for each detailed object of expenditure, the total amount to be appropriated under each head of appropriation, and the amount appropriated for the previous year. These forms are then transmitted to the Secretary of the Treasury in accordance with law. The law further provides that he shall transmit them

to Congress with a statement as to the extent to which said estimates have his approval.

These estimates being received by the Congress of the United States are sent to the House of Representatives, where under the Constitution of the United States all appropriation bills must originate. The Speaker of the House, in the case of the estimates of the District, refers them to the Appropriation Committee, and that committee, in order to expedite its voluminous duties, refers the estimates to a sub-committee of the main committee, or, as it is called, the District Subcommittee on Appropriations. This subcommittee invites the commissioners to appear before it and explain such items as the committee desires to inquire about, and in some cases it requires hundreds of pages of closely printed matter to cover the scope and detail of their investigations. It must be understood that, in both the estimates and the appropriation bill, the specific salary for each employee is set forth and no change can be made in a salary, once it is fixed by Congress, and what applies to salaries of employees also applies in a very large measure to all other details of appropriation, so that in this respect the District budgetary matters are rather inflexible and to that extent the administration control is limited. However, while I know that this method of limiting funds for municipal work has been criticised, yet it has advantages which must not be overlooked, and the officers of this corporation have learned by experience how to manage under this condition and to secure efficient results.

The bill prepared by the subcommittee after the hearings is then referred to the whole Committee on Appropriations, and by that committee referred to the House of Representatives, where the bill is gone through item by item, and after it has completed this ordeal it is forwarded to the Senate of the United States, where it is referred to the Senate Committee on Appropriations, and reported back to the Senate after hearings have been had in the same manner as in the House of Representatives. It is gone over in the Senate item by item, and if there be changes, which is usual, it is sent back to the House, where, in case the House does not agree, it is sent to conference, the conferees being usually three members

each of the District subcommittee of the House and Senate. When the conferees have finally agreed upon the bill, it is reported to both houses, and, if passed, is sent to the President of the United States for his approval. It is customary for the President, before signing, to refer the act to the commissioners for examination and report as to inaccuracies or other reasons why the measure should not become law.

With this statement of the steps taken in the preparation of the District budget, I invite your attention to the Act of Congress for the past fiscal year which is a counterpart of the result of past budgetary endeavor, and represents in detail the form used for a number of years past.

The title to the act is “An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1910, and for other purposes.” From this caption you would naturally suppose that this act of Congress contained all the allowances and all of the restrictions for and on account of the District of Columbia for that particular fiscal year; however, this is not so, and it is because it is not so that this form is open to a serious objection. An examination of the revenue account of the District for the past year reveals the fact that the following appropriations, which are carried in the sundry civil and the legislative, executive and judicial appropriation acts, were charged against the revenue of the District.

The Present Budget

SUNDRY CIVIL APPROPRIATION ACT FOR 1910. APPROVED MARCH 4, 1909.

Improvement and care of public grounds, 1910.....	\$122,550
Lighting, etc., executive mansion, etc., 1910.....	4,200
Lighting public grounds, 1910	10,200
Burial of indigent soldiers, 1910	3,500
National Zoological Park, D. C., 1910.....	95,000
Support and medical treatment of destitute patients, 1910.....	19,000
Maintenance of Garfield Hospital, D. C., 1910:	
Maintenance	\$19,000
Repairs, furniture, etc.	10,000
	<hr/>
	\$29,000
	<hr/>
Total.....	\$283,450

LEGISLATIVE, EXECUTIVE AND JUDICIAL APPROPRIATION ACT, 1910.
APPROVED MARCH 4, 1909.

Salaries of employees, public buildings and grounds, 1910 (Wholly D. C. charge)	\$30,000
Salaries and expenses, Court of Appeals.....	35,160
Salaries, Supreme Court	41,400
	<hr/>
Total.....	\$106,815

Both of these acts of Congress are for purely Federal purposes, and are enacted primarily to carry on the work of the United States government. It is therefore evident that the District budget does not express the true condition of the business of the municipal government.

But it is in the arrangement of the act where the most serious complications are encountered. The act is divided into sections by the following general captions:

General expenses.

Contingent and miscellaneous expenses.

Improvements and repairs.

Sewers.

Streets.

Electrical department.

Washington aqueduct.

Rock Creek park.

Public schools.

For metropolitan police.

For the fire department.

Health department.

Courts.

Interest and sinking fund.

Emergency fund.

For courts and prisons.

Charities and corrections.

This classification, you will observe, is not such that the general business of the District can be stated therefrom, and the more serious condition is that the headings do not represent the appropriations that are grouped thereunder. To give but one example out of the many that exist, I invite your attention to the appro-

priations made under the caption "Streets, D. C." This appropriation embraces nine sub-appropriations: For sprinkling, sweeping and cleaning; disposal of city refuse; for the parking commission; bathing beach; for public scales; deep wells; playgrounds; public convenience stations; condemnation of insanitary buildings. In the new form of budget these are classified as follows: Three as objects belonging to health and sanitation; three to recreation; one to protection of life and property; one to public service enterprises; and one to miscellaneous.

From the statement above made, it will be observed that the classification bears no relation to the general lines of business conducted by the government, that there has been no grouping whereby the business of the corporation could be scientifically or otherwise studied. This condition, I desire to say, has arisen, not through any desire on the part of the commissioners or through the will of Congress, but it is the result of thirty years of gradual growth without a permanent scientific appropriating plan.

We now come to the change in form, and I had hoped to present to you for your consideration a complete printed copy in detail of the budget as forwarded to the Secretary of the Treasury to be transmitted to Congress, but up to the present time it has not been so prepared in view of the legislative restriction contained in the present appropriation bill which provides: "Such annual estimates shall not be published in advance of their submission to Congress at the beginning of each regular session thereof."

Change in Budgetary Form In order that the commissioners might have before them a form upon which it was proposed to draft the new budget, and that they might consider the needs and requirements of the government business, a statement was prepared of the appropriations for the fiscal years 1906 to 1910, inclusive, and this statement was classified and arranged upon the form of budget proposed. The result of this analysis was most satisfactory in that it gave a comprehensive view of the entire business of the government for a period of five years, and showed what group of appropriations was receiving the greatest portion of the revenue fund, and where the inequalities in appropriations ex-

isted. This statement considered the whole appropriation for the year as one hundred per cent., and showed the percentage received by each object contained in each group total. Upon this percentage basis a diagram was prepared showing the direction taken by each group of appropriations, and is very suggestive to a complete study of government business, and I present herewith the diagram and the aggregate tabulated result as an exhibit of the result of this study.

The District budget has been prepared and submitted to Congress with the request for the passage of the new appropriation act in the following form.

The grand divisions of the budget are as follows:

1. General government.
2. Protection of life and property.
3. Health and sanitation.
4. Highways.
5. Charities and corrections.
6. Education.
7. Recreation.
8. Miscellaneous.
9. Public service enterprises.
10. Interest and debt.
11. Miscellaneous temporary payments.¹

With the budget enacted into law in the form outlined, there will have been accomplished those important things that work for good government. The law will show the total appropriations of the District government, and the classification will make clear, either in the aggregate or in the detail, the subject under consideration. From this arrangement it is possible to determine whether the business of the corporation is progressing along sound business lines, and whether each function of the government is receiving its proper proportion of the revenue fund. A department head with an overbounding zeal to make his department an important branch of the service, or because he possesses influence greater than some of his co-laborers, could not under a proper budgetary system secure appropriations which

¹ For subheads, those specially interested are referred to Mr. Tweedale.
—EDITOR.

were not absolutely needed or that would tend to wasteful expenditure, for, under the plan outlined, appropriations are considered, not separately, but as an integral part of a common whole; and therefore the affairs of the government are changed so that no longer is the matter of making requests mere guess work, but it is reduced to a mathematical deduction based upon facts which are required to be produced, and, therefore, it is impossible to slight those functions that pertain to the physical welfare of the city for those that are not so important or material, as by the analytical process required in the preparation of the budget such inequalities will be clearly shown.

Moreover, with the budget prepared in the form outlined by reason of the combination under general captions of all those general functions which should be considered together, there is given that Congressional and administrative control which is necessary to intelligently provide the means for carrying on the various functions of the government and the management of its business. It further provides the means of financial control over the expenditures by providing those general accounts which will be required to be opened in the fiscal office of the government, and which will require that subsidiary accounts be opened in the various offices where expenditures are made for the functions under the general account, with the result that the subsidiary accounting must close into the general account. For these reasons and many others which time prohibits the consideration of, this budget has been recommended as a means of properly managing the business affairs of this government.

In the past, the government of the District of Columbia has been criticised, and unjustly so, because of the fact that the appropriation bill had been so written that an appropriation made apparently for one object included many objects that were properly classified under such functions of government, with the result that the figures taken therefrom were entirely erroneous, and when used for comparative purposes unjustly and falsely represented the objects of comparison. It would seem wise on this account alone, if that was the only one, that a change should be made in the classification of the budget. It is believed that, when the budget of this government is intelligently arranged,

public interest will be aroused in order that it may be determined how the taxes and other revenues of the government are spent.

As I have stated, the business of the District government is transacted under that control which is derived from the whole people of the United States, through the Congress. You, my hearers, through your Congressmen are the ones who will have the power to say whether the municipal government of the capital of the United States shall have a budget framed upon logical business lines. Your association has recommended for some years past the principles contained in this budget form, and you are likewise interested in any and all movements for good government. May I ask, therefore, where could you secure a better opportunity, in view of your individual responsibilities, or where could you secure an example that would have such widespread effect upon the municipalities of the whole country, in view of the national character of the government of the District, than the opportunity here presented to make a concentrated effort to secure for the District of Columbia a budget along the lines which have been set out, and which will, in view of the recommendations made, be considered by the Congress of the United States at its next session beginning in December, 1909.

Municipal Research---A New Instrument of Democracy.

RUFUS E. MILES, CINCINNATI,

Director Cincinnati Bureau of Municipal Research.

The movement which has become known under the name of "municipal research" has now stood the test of nearly four years of actual experience. Though not yet fully developed, it is no longer a paper program or parlor reform. Its advocates may fairly claim a hearing on the basis of achievement, and, on the other hand, may fairly be expected to give answer as to its justification and place in the social order. This paper is an attempt to present municipal research in perspective.

There is no need to dwell either upon the importance of efficiency in municipal service or upon the fact of its failure to measure up to a satisfactory standard. When we recall that over one-fourth of the total population of the United States lives in cities of over twenty-five thousand inhabitants which spend annually hundreds of millions of dollars, the magnitude of the interests involved, whether measured in terms of dollars or social welfare, is at once apparent. The failure of municipal government to meet public demands has been too often proved to require further evidence to establish the fact. It is not over the *fact* of municipal mismanagement that differences arise, but over the *analysis* of it and the *remedy*.

It is only in comparatively recent years, indeed, that a really serious effort has been made at scientific analysis from direct observation. The main elements which this analysis now reveals may be expressed in a few general propositions, some of which are perhaps self-evident, but have not always been clearly in mind:

Analysis of Misgovernment

1. A popular *form* of government is not popular *government*, unless the people actually participate effectively and intelligently in the process of governing. A popular *form* of government *allows*, but does not *produce* popular *government*. Automatic

government is as impossible as perpetual motion; government demands intelligence as motion demands energy.

2. Popular participation in government, being exercised mainly through the ballot in the election of officials and representatives, is *effective* only in so far as these officials and representatives manage the public business in the public interest.

3. Public officials cannot be expected to administer the public business solely in the public interest when conditions make it directly contrary to their personal interests to do so; *i. e.*—

a. So long as their appointment to and continuance in office is controlled by special interests, and is also dependent upon the political fortunes of these interests.

b. So long as the methods of conducting the public business are such as to allow numerous opportunities for favoritism, laxity, and graft without observation or detection, owing to the fact that public officials and those who seek the favors are virtually the only persons who are informed upon the current details of public business.

c. So long as public officials are subjected to a continual pressure to grant special favors to those for whom they hold their offices, while on the other hand, they receive from the general public little active support for sound public policy, credit for efficiency, or condemnation for inefficiency.

d. So long as there are no scientific standards of efficiency in the administration of public business, and no system for applying such standards if they existed.

4. Therefore a popular participation which is virtually confined to the periodical choice of officials (assuming this choice to be a free choice, which in many cases it is not) without an organized method for following and influencing public business, is not and cannot be expected to be effective.

5. Popular participation cannot be *intelligent* unless the people systematically receive unbiased and accurate information upon public business.

6. With the complexity of modern city administration, and the pressure of present-day industrial life, few citizens are able to maintain any considerable familiarity with the routine of public business, even if qualified to do so.

7. Therefore popular participation in government cannot be intelligent without some means for providing the people with current, accurate, and well-digested information upon the public business.

If these propositions delineate truly the main features of the situation, they furnish the explanation and the justification of the methods proposed by municipal research. The paramount necessity is to invent some means for rendering popular participation in the process of governing on the one hand effective, and on the other intelligent: effective by creating a new organ for focusing and expressing public opinion; intelligent by establishing a new institution for popular education. A way must be found to make the personal interest of officials coincide with public interest, and the public must be enabled to visualize its business affairs.

In proposing a remedy for these conditions, municipal research is not unmindful that important steps have already been taken. To meet the difficulty of insecurity of tenure and political control of public officials, two methods have been applied: civil service reform for the lower appointive grades, and municipal voters' leagues for elective officials. Both have met with partial success and partial failure. Civil service reform has secured a considerable permanence of tenure and a relative fitness of appointees, but proposes no satisfactory means of ensuring or judging efficiency after appointment. Municipal voters' leagues have raised the qualifications for elective officials, but offer no comprehensive and definite standards by which officials' records may be judged.

Without minimizing the usefulness of either of these lines of effort, municipal research proposes beginning at the other end, *i. e.*, dealing with the conditions under which any officials, whether appointed or elected, must work. It suggests:

1. The devising and installation of administrative methods which will largely eliminate opportunities for undetected favoritism, laxity, and graft, and which will at the same time provide data for standards of efficiency.

2. A continuous scrutiny of the public business for the pur-

**Municipal
Research,
A Remedy**

pose of safeguarding the public interest and applying efficiency standards.

3. Systematic publicity to stimulate popular support for efficiency and condemnation of inefficiency, and to educate the public to a familiarity with the public business.

The exercise of the taxing and appropriating power is unquestionably the central operating feature of government. The de-

Administrative Control termination of what funds shall be raised, to what purpose they shall be appropriated, and under what conditions they shall be expended—

whoever controls these processes dominates administration. Here then of all others, is the place for popular participation. The means for exercising administrative in addition to electoral control must be placed in the hands of the people. Steps to this end are:

1. Classification of the budget to correspond to the character of the work performed by the several departments and subdivisions of government.

2. The installation of a system of centrally-controlled revenue and expense accounts, similarly classified, to support the budget.

3. The installation of a system of operative and statistical records to show service rendered and results accomplished.

The budget should be so classified as to designate specific amounts for each distinct function and should impose such limitations upon the expenditure of funds appropriated as may prove necessary to secure their application to the purposes intended. The accounts and records should furnish data for cost and service statements and should definitely locate responsibility for all official acts. Not until this administrative machinery is available is it possible for anybody, whether official or private citizen, to frame an intelligent opinion of what funds should be raised or appropriated. Without such a system, no official, however efficient, energetic, or well-meaning, can administer the public business efficiently. With such a system, the inefficient or dishonest official finds it far more difficult to divert or waste public funds.

When administrative methods of this type have been devised and installed, they do not thereupon become self-operative.

Records tell no story unless examined; cost data are of no avail unless studied; efficiency standards furnish no aid unless applied. Municipal research undertakes to maintain a continuous familiarity with the public business, to see that public funds are properly expended, to apply standards of efficiency, and to assist in a continual improvement of methods.

Upon questions of public policy, efficiency of public employees, and the administration of municipal departments, the public has at present virtually no means of obtaining accurate, disinterested information. Such as it does receive is fragmentary and often colored by partisan or personal motives. Municipal research, owing to its independent position and its familiarity with officials and administration, is able to meet this fundamental necessity of popular government. Systematic reports, lectures, and exhibits are employed, made pointed and graphic through the use of abundant illustration and concrete example. Material of this kind is rendered available for the use of businessmen's organizations, taxpayers' associations, improvement societies, public schools, and all groups of citizens interested in knowing how the city's business is managed. Municipal research thus aims to carry on what might be called continuous courses of popular education in the public business.

That this program is not mere theorizing, the history of the Bureau of Municipal Research demonstrates. Since its foundation in New York City in 1906 as a branch of the Citizens' Union, with a budget of some \$12,000, the rapidity of its growth may be regarded as the measure of its fulfilment of a public need. Similar organizations have been founded in Philadelphia, Cincinnati, and Memphis, commanding, with the original organization, an annual budget of approximately \$150,000. Plans are under way for the establishment of bureaus in other cities. Special studies have been undertaken by staff members for citizens and officials of Chicago and Buffalo. Concrete results are now discernible in spite of the fact that in New York City their recognition has been delayed by the magnitude and complexity of the problems involved.

**Growth of
Municipal
Research Idea**

The principal advances in municipal efficiency in which the

New York bureau, with the very general co-operation of city officials, has been to an important degree instrumental may be summarized as follows:

1. A new centrally-controlled accounting system has been devised and the installation of its main features virtually completed.

2. The Department of Finance has been reorganized to administer the new accounting system.

3. The budget has been thoroughly revised on the lines of a functional expense classification.

4. The budget is now subjected to the most searching examination both official and public, and popular participation in the framing of the budget has been greatly increased.

**New York
Advances**

Owing in a large measure to this augmented public interest, the net increase in the last budget was less than \$4,500,000 over the preceding year, compared with an annual increase for the two years previous of approximately \$13,000,000.

5. The Department of Commissioners of Accounts has been reorganized on lines recommended by the Bureau of Municipal Research.

6. The Department of Health has reorganized and strengthened its service, adopting many recommendations of the bureau. Owing chiefly to the more thorough-going methods now employed, the summer infant mortality was last summer reduced by nearly 20 per cent., while of the school children found to need medical treatment, over 80 per cent. were reported treated as against a known 10 per cent. previously.

7. Extensive studies have been made of administration in the departments of parks, police, water supply, and the tenement house department, as a result of which a number of improved methods have been adopted. An exhaustive examination of the status of the city debt revealed unsettled legal questions involving the city's borrowing capacity to the extent of millions.

The Memphis bureau has just submitted to the mayor a critical study of some phases of the city's government with constructive suggestions for betterment in organization and administrative methods. The Philadelphia bureau is at present engaged in an examination of the educational administration in that city. The

Cincinnati bureau, in the four months of its existence, has undertaken examinations of the departments of health and parks and the purchasing department, and is preparing to enter the field of street improvements.

Municipal research, then, offers itself as a means for crystalizing and giving effect to public opinion. Hitherto popular participation in municipal government, being largely limited to the election of officials has been necessarily only periodical; having no systematic source of unbiased information, public opinion has been uncertain of itself and erratic in temper. Seeming indifference has alternated with spasmodic outbursts whose results have usually been disappointing. In municipal research is provided a new instrument of democracy through which the people may wield not only *periodical electoral*, but *continuous administrative* control. President Lowell in a recent article, declared that "the lasting success of modern democracy will depend upon its capacity both to use and control experts. This," he says, "is the riddle that the sphinx is proposing to America and we must solve it at our peril". Municipal research offers its program—the expert in the service of democracy: effective because subject to no partisan organization or special interests; controlled because dependent for success entirely on the approval and support of public opinion. It is perhaps through the employment of a relatively small staff of independent, privately-supported experts to scrutinize public administration, to set standards, and to provide continuous material for public opinion that democracy may hope most directly to acquire the permanent service of experts within the municipal departments. Insecurity of tenure and incompetent officials are the direct fruit of public ignorance of the public business.

been abolished in favor of direct party primaries. The result, according to the Commission, is a partisanship of ward organizations, calling themselves Republican or Democratic, as the case may be, but representing no municipal policies capable of formulation, and it states that the "present electoral machinery is wholly unsuited to the requirements of successful municipal government through popular suffrage. Instead of bringing the choice of candidates nearer to the people it has erected well-nigh insurmountable barriers between the individual voter and the free selection to which he is entitled, and which he must have before he can discharge his duty as a citizen. It has made it artificially difficult to secure good nominations; it has debarred the best and most representative citizens from participation in the government; it has increased the power of money in elections; it has practically handed the city over to the ward politicians. It tends to create bad government, no matter how strongly the people may desire good government; and to discredit the capacity of the people when congregated together in great cities to administer their municipal affairs."¹

Not only are the evil effects of national party interference felt by the municipalities, but too often they are highly detrimental to the national parties themselves. Senator Root, when Secretary of State, apparently impelled by the disastrous condition of party affairs in Philadelphia, said, "It is my profound conviction that a determined effort is necessary to save national parties from the demoralization inevitably consequent upon municipal spoliation, and, as a Republican, zealous for the welfare and reputation of my party, I advocate the foundation of a non-partisan civic movement."

National party organizations endeavor to divert city patronage to support of their organizations. Municipal issues are subordinated to their own selfish purposes. The hostile party organizations even combine to defeat an independent citizens' movement and the bosses play into each other's hands. The dominant ma-

**Boston Finance
Commission
Report**

**National
Parties
Adversely
Affected**

¹ Report of January, 1909, p. 23.

elections. Marked improvement has resulted, but Tammany is still active and always in the game.

This change from the old system, when all elections took place on the same day, has brought such relief and has at least offered so much stronger a fighting chance that many have seemed to acquiesce in it as a final and sufficient step. The adoption of a further and more drastic remedy will depend, in a measure, on whether the evil should be, in our judgment, merely moderated, or, on the other hand, be extirpated; whether the need calls for the application of the surgeon's knife or merely the use of some soothing lotion. If national partisanship is the source and cause of evil, it should be removed altogether. No half-way measures should be advocated. This cause of evil should be stamped out and eradicated, like any other source of pollution in cities.

Even where municipal elections come in different months of the year from the state or national elections the cities have been generally in the power of the national party organization. Only when the administration has been more unsatisfactory and disgusting than usual have the people revolted and defeated the regular and dominant party organizations. These upheavals of civic virtue and indignation have been spasmodic in their appearance and temporary in their results. Only an unusual combination of causes and conditions is able to produce this overthrow of the bosses and the machines. All too soon the latter recover their supremacy.

Of course, in any final analysis, the people themselves are directly responsible. While they are not free from blame, a juster understanding discloses how, in large measure, they are practically helpless. The election machinery handicaps the individual and favors the organized body. The party label, with its appeal strengthened by the attachments of a lifetime, hopelessly divides, and ranges in hostile camps, the great body of good citizens and diverts their attention from the essential issues at stake—the local issues. Only when citizens are unusually aroused by civic mismanagement and corruption to act independently of parties—to act as citizens—do they succeed in overthrowing the party machines and ousting them from civic control. The ephemeral

Appeal of the Party Label

nature of a reform victory is explained by the fact that, the bad men having been put out of office, the individual party man returns to his former party allegiance. Under such conditions good civic government is bound to be an exception and not the rule. It will be the latter only when the conditions are so changed as to induce citizens to vote as citizens and with reference to local issues, rather than as mere units in great national organizations. To do this, to permit citizens to fight with more than a chance of an occasional success against these great organizations, which remind one of the robber barons who, in mediæval ages, lived, by plunder, off the neighboring country, it is necessary to ostracize, to banish these extraneous, disintegrating and evil-breeding organizations.

Grand Rapids, Michigan, is entitled to much of the honor for inaugurating the attempt to get rid of national politics in her municipal elections. By an act of the legislature in 1903, a board of library commissioners was established. They were to be nominated by petition and be voted for on the ballot without reference to party. An excellent commission was obtained and the plan worked so well that in 1905, in the new charter of the city, the principle was applied to the election of the board of education. The results were most desirable. Availing themselves of the advisory initiative, a popular petition caused a charter amendment providing for non-partisan primary elections of all city officers to be submitted for an expression of opinion at the regular election November 6, 1906. The non-partisan plan was approved by 8,865 to 3,350, carrying every precinct in the city. The legislature, however, refused to grant this request for an amendment to their charter and insisted on the maintenance of the existing partisan machinery.

Fresno, California, was, like many another city, suffering from partisan and bi-partisan misrule and corruption. Under the charter of 1900 the recognition of both parties in the appointive offices was compulsory. At a special election, February 13, 1905, the radical step was taken of approving an amendment to the charter by which the general laws were to apply to the election of mayor

Trying the Experiment

Municipal Non- Partisanship

and board of eight trustees, except that no party name or designation shall appear on the certificate of nomination or on ballots and all candidates shall be designated as independent.³ It is stated that party lines in Fresno's municipal politics have not only been abolished, but forgotten. The result has been most successful. The saloons have been strictly regulated, vice and crime controlled, and great public improvements have been carried on. The result is largely attributed to the essential superiority of the non-partisan system.³

The town of Easton, Maryland, was granted a charter in 1906, Chap. 458, by which the mayor and five councilors are nominated for a two years' term by a petition signed by thirty voters and their names are to be printed on the ballot "without device of any kind".

In Newport, Rhode Island, which adopted a charter on June 6, 1906, that is notable for the very large representative council of one hundred and ninety-five members which it creates, it is provided that "Nothing shall be printed or written upon the ballot except the name of the candidate, his residence, the office for which he is nominated, and such other non-political facts as the election laws of this state may require." (Sec. 29.)

Alameda, California, at a special election July 18, 1906, adopted a new charter by which the mayor was to be nominated by fifty signers at large and the councilmen by twenty from the various wards. "There shall be nothing on any ballot indicative of the source of nomination or of support of any candidate."⁴ The phraseology of this provision indicates a distinct advance over that of Fresno where the requirement that all candidates shall be labeled "independent" shows that the framers were not yet fully emancipated from the thought that the national parties did have some relation to city elections.

In Idaho, Boise City was granted a charter (House Bill No. 42) approved February 22, 1907, by which the mayor and four councillors are to be nominated by a convention of citizens, with

³ See Chap. 23, 1905, Sec. 205.

³ Chester H. Powell of Fresno in article for National Municipal League Clipping, November, 1908.

⁴ Chap. 7, 1909, Art. XI.

trary government whose members might feel themselves superior to, and not dependent upon, the will of the community, and yet, at the same time, to preserve the advantages of efficient, economical business administration, the principles of popular control were also embodied in the plan—the referendum, the initiative and the recall. The Des Moines plan is thus thoroughly democratic, combining efficiency with responsiveness to the popular will.

Des Moines was the first city to avail itself of this permission, voting June 20, 1907, by 6,044 to 4,143, to adopt this new plan which went into effect on the first of April, 1908. The first election was held March 31st, and judging by later results, must have made a pretty good selection out of the fifty-two candidates nominated before the primary. Many articles have been written to show what great benefits have resulted from this new government of five men selected with regard to their fitness for their municipal duties and without the disclosure on the ballot of their national party affiliations.

The member of the commission ⁵ who is best known throughout the country, who was previously mayor of Des Moines and who has been for many years the secretary-treasurer of the League of American Municipalities, writes that the non-partisan provision is the most important feature of the Des Moines plan.

Cedar Rapids was the second city in the state to adopt a similar charter, having its first municipal election also on March 31, 1908. The mayor, John T. Carmody, writes that "the official ballot without party designation has worked in a very satisfactory manner in this city. It has permitted the wisest selection of candidates by the people and eliminated the old system of having ward bosses, agitators, etc., dictate who the candidates shall be. It has been generally satisfactory with the people and it is a wise proposition. Party organizations have not made any material objection. The party bosses and ward heelers are the only ones that objected."

In 1909, Iowa, by Chap. 64, extended the opportunity to adopt the commission form of government to the second class cities, having a population of from 7,000 to 25,000. These cities, how-

⁵ John Mac Vicar.

ever, are to have only three commissioners and not five, as in the first class. Keokuk, under this new permissive law, has adopted a commission form of government with its non-partisan provisions.

South Dakota, in 1907, passed a general statute, Chap. 86, allowing cities of the first, second and third classes to adopt a commission form of government, in which the elimination of national partisanship was secured by the provision that names shall be printed on the ballots in alphabetical order and "without other designation than that of the office for which they are candidates." (Sec. 108.) Special elections to consider the adoption of such charters are permitted on an initiative petition of 15 per cent. Sioux Falls voted, September 29, 1908, to accept the provisions of this act. This law was approved March 12th or seventeen days earlier than the Iowa law which, however, is the better known and is the one to which reference is generally made. The two laws vary somewhat. Certificates of nomination must be signed by fifteen for each thousand of the population, with a minimum of twenty-five and a maximum of one hundred and fifty signers. The chief variation is that there is no preliminary election, but the person receiving the highest number of votes for any office is declared elected. Ties are determined by lot.

Wisconsin, in 1907, by Chap. 670, approved July 16th, provided that "No designation of any party or principle shall be used for any candidate on any nomination paper, official notice or ballot for any municipal election or preliminary election or nomination for city office. (Sec. 2.) This law may be adopted by cities through a majority vote at any municipal election when the question has been raised by petition signed by 10 per cent. of the voters. In 1909, by Chap. 448, Wisconsin authorized cities of the second, third, and fourth classes to adopt a commission form of government under which the ballots at the primary and at the election are to "have no party designation."

Kansas City, in 1907, by Chap. 114, approved March 2d, provided that cities might adopt a commission form of government which, however, was based on the Texas model rather than on

that of Des Moines. The features, so prominent in the latter for the popular control of officials and for their election without interference of partisanship, were omitted. Nominations were made by political parties in city primaries, with provision for independent nominations by fifty or more voters. Sec. 16 required that "to the name of each candidate for mayor or commissioner shall be added his party, or political principle which he represents expressed in not more than three words." Leavenworth adopted a charter under this law in February, 1908, but Wichita and Kansas City defeated similar attempts.

Last winter, 1909, by Chaps. 74 and 82, the law of 1907 was amended so that the proposed commission form of government should follow the Des Moines model, and the ballots "shall have no party designation or mark whatever." It was also extended to apply to cities of both the first and second classes. Special elections to adopt this commission form of government may be ordered on the petition of 40 per cent. of the voters. After a four years' trial, by similar procedure, a vote may be taken on resuming the earlier form of charter.

Under this new law, the cities of Kansas are rapidly adopting the non-partisan form of government. Anthony, Independence, Hutchinson and Coffeyville have accepted it, while both Wichita and Kansas City have reconsidered the question and have now voted in favor of the new method. Topeka, the capital, Parsons, Winfield, Manhattan, Junction City, Lawrence, Ottawa, Salina, Abilene, Concordia, Ft. Scott, Arkansas City, and several smaller ones are preparing to vote upon this question. It is said that no city has found the new government defective in any particular, that the only opponents it still has are the politicians, who were put out of business with its coming.

In Massachusetts, Haverhill was suffering from serious embarrassment, having a heavy debt and yearly expenses which considerably exceeded its receipts. The Legislature in 1908, by Chap. 574, of June 3rd, authorized Haverhill, on petition of fifteen hundred voters, to have a special election October 6th, to act upon the adoption of a charter which was largely based upon that of the Iowa law. Acceptance was voted by 3,066 to 2,242. Sec. 11 provides that

especially "directed that no party name or designation shall appear on the certificates or ballots". (Chap. 25, 1907, Sec. 217.) San Diego, at a special election January 12, 1909, adopted a charter amendment for nominations by petition of fifty voters and "The ballots shall have no party or other designation or mark whatever." (Chap. 5, 1909.) Los Angeles adopted a charter amendment at a special election February 2, 1909, directing that "There shall be nothing on any ballot indicative of the party affiliation, source of candidacy, or support of any candidate." (Chap. 22, 1909, Sec. 206.) Los Angeles does not have a commission government, but has a mayor and nine councilmen, with half a dozen other general officers elected by the people.

Berkeley, the home of the University of California, adopted a new charter, January 30, 1909, by 3,178 to 546. Its non-partisan provision that "Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate" (Art. III, Sec. 15 of Chap. 17) is not quite as strong as that of Los Angeles. Nominations are made by twenty-five individual certificates, and in this connection Berkeley inaugurated, for the first time in America, a new method, which resembles the French system, whereby the first election is also the final one if any candidate receives a majority of the votes cast, in which case he is declared duly elected. If no candidate receives a majority, then the first election is considered to have been a primary election for the nomination of candidates, and is followed by a second election three weeks later at which those who receive the highest number of votes, to the number of twice the number to be elected, are the only candidates, and at this second election the highest number of votes elects whether it is, or is not, a majority.

Berkeley elects only a mayor, four councilmen, an auditor and the four school directors. It has a commission government of the latest and most approved form.

This Berkeley charter follows essentially the plan proposed by Prof. William Carey Jones, head of the department of jurisprudence in the University of California, who became later the chairman of the board of fifteen freeholders chosen at the election of November 21, 1908, on which board was also Benj. Ide

saloons and machine politicians. Public franchises were given away in the most outrageous way, without any regard for the future public welfare. Long-time contracts with public-service corporations were entered into, with the grossest excessive rates. The political machines of both political parties were working in unison to prevent good government and to perpetuate graft. The old form of government was a complete failure." The new charter is probably the most advanced of any yet adopted, and, according to the prefatory synopsis, adopted by the charter convention, is intended to vest in the people of the city supreme legislative power, with easy preliminary conditions in making and changing its charter and ordinances, and also the absolute and exclusive power of authorizing, regulating, or terminating its public-service corporations, and of recalling its elective officers. Partisan and machine politics and government are inhibited and a municipal democracy substituted therefor.

Whenever the elimination of national politics from municipal elections is adopted as a principle, it is generally applied not only to the election of mayor and aldermen or councilors, but also to the members of the school board. This is expressly stated in the general law of South Dakota and is true of most of the cities where this idea has been adopted. Indiana, by the Revised Statutes of 1908, Sec. 6517, applies this principle to the choice of members of the board of education in cities with a population of over 100,000; but does not provide that this non-partisan principle should govern the election of other municipal officials.

One field in which the intrusion of partisanship would seem to be entirely indefensible is that of the choice of judges of the various courts. Judges should owe their office to the people and not to a party and should be under no obligation to organizations or interests. There is a movement to free the judiciary from partisan influences. Some states, like Minnesota, North Dakota, Montana and Idaho, are passing laws for their non-partisan nomination and election. In other states this movement has been temporarily defeated. In Nebraska the act of the legislature for this purpose was declared unconstitutional by the supreme court,

Non-Partisan School Boards

Non-Partisan Judiciary

ballots. There is no country in the world, except the United States, where election laws permit this practice.⁷

English cities are to-day regarded almost as a model of good municipal administration, yet, not a hundred years ago, they were notoriously inefficient and their reputation was lower, possibly, than that of American cities to-day. In those days it is stated by a writer ⁸ that municipal boroughs were used as pawns in the game of national politics and thus became almost incapacitated for the performance of any efficient administrative work. The municipal organizations were so bad, as a result of this prostitution of municipal issues in the interest of the national politics of the country, that not only were the various functions of the central government, such as the care of the poor, the sanitary administration and the administration of the public schools, when they developed, put into the hands of officers of the central government, but even the various new functions of municipal administration, the adoption of which was necessitated by the increase of population in the cities, were put into the hands not of the municipal authorities but of new bodies established by special local legislation. Efficiency and uprightness and local self-government had been sacrificed in the interest of party politics.

In 1835, after the report of a commission appointed to study the conditions of municipal government, the General Municipal Corporation Act was passed. This act established a general scheme of municipal organization, granting large powers of local government, and transferring to it the various powers and duties which had theretofore been divided among special and outside bodies. The framework was not affected. By the imposition of large responsibilities a new spirit was stimulated and to-day the elections of local officers are largely determined without reference to national party considerations.

In Canada there are no party designations on the ballots. The mayor of Ottawa, D'Arcy Scott, writes that "there is a very strong public opinion that party politics should not be considered

⁷ Prof. W. B. Munro, of Harvard University, in article in Boston Globe, October 31, 1909.

⁸ F. J. Goodnow in Municipal Home Rule.

In the effort to eliminate national party organizations from city elections, there has been no discrimination in favor of municipal parties. All political designations have generally been debarred. The Haverhill plan expressly forbids anything on the ballot indicative of the candidate's views or opinions. Kansas, in its short-lived law of 1907, did permit the use of three words for the expression of political principles. As there are important and even fundamental local questions about which citizens may properly and logically disagree, and as it is needful that the fullest publicity should be given to the position of candidates upon such questions, it may well be that municipal parties will be organized and given due recognition in the election laws. At the present time, however, in the present stage of the contest against politicians, it is probably wise to simplify the issue, as is now being done where this issue is raised, and leave to time and evolution any necessary modification of the general principle of the elimination of partisanship from cities.

**Municipal
Parties**

The Practical Workings of the Initiative and Referendum in Oregon.

JOSEPH N. TEAL, Esq., Portland, Ore.

Hon. William S. U'Ren, to whom I applied for information, advises me that the exact date the agitation for the initiative and referendum began in Oregon is somewhat uncertain. It has been stated that a paper published in Portland some time from 1885 to 1888, called "The Vidette," advocated the measure. Its first introduction into the legislative assembly was in 1893 in the form of a resolution introduced by Senator Vanderburg. Very few of the members at that time knew what the terms meant. At the session of 1895 the agitation took the form of a demand for a constitutional convention and was defeated by one vote. In 1897 there was no session. At the regular session of 1899 the amendment was passed for submission to the people by a large majority, and in 1901 it was passed for the second time and was submitted almost without opposition in the legislature.

Formerly under our constitution all proposed amendments to the constitution had to be passed by two successive legislatures before submission to the people. This amendment was submitted to the people June 2, 1902, and received 62,024 affirmative votes, 5,668 being cast against it. At the election held June 6, 1906, it was applied to local, special and municipal laws. However, the charter of the City of Portland, which was prepared by a charter board, approved by the people at the election held in the month of June, 1902, and passed by the legislature at the session of 1903, contained provisions for the initiative. It has therefore been in operation in the state for seven years and in this city for six years. While the time it has been in operation is hardly long enough to develop all its advantages and disad-

vantages, yet its workings have been sufficiently observed to enable one to form some conclusions as to its merits and demerits.

While both powers are generally linked together, they should be considered separately. One is a positive force, the other negative. The first stands for affirmative action, the **Initiative and Referendum** second is a method devised for the veto of legislation the people do not approve. The consequence is that there is very much greater opposition to the initiative than to the referendum.

In my opinion the causes which led to its adoption are the same that are in evidence throughout the country generally. The **Causes for Adoption** people felt the government was getting away from them and they desired a more direct control, both in the making of laws and in their enforcement, than they enjoyed. More potent, however, than this was the failure of the legislature to respond to the demand of the people for the enactment of laws respecting the control of corporations, taxation and kindred subjects affecting public interests. Boss-riden legislatures and councils were the rule rather than the exception, and the people were tired of coaxing and pleading to secure desired legislation. Legislatures and councils were too often more solicitous for special than for the public interests and the people wanted to secure some effective and direct method of making their influence felt and their wishes respected.

The difficulty in securing the enactment of the Australian ballot law and the registration law are examples of laws the people wanted, and which were enacted grudgingly and after long-continued agitation. Other important measures failed repeatedly to pass. The combined effect was to create a sentiment (as shown by the vote) overwhelmingly in favor of the new procedure. After its adoption tax laws and other public measures were proposed under it and passed, the consequence being that the same influences which prevented the passage of the same character of laws by the legislature are the deadliest foes of the initiative and referendum, although this is not to say that there are not very many good citizens who are opposed to it both on principle and in practice.

Like all laws or new methods in government, experience has

demonstrated that changes in some particulars are necessary. These I shall refer to later.

While the powers reserved under the initiative and referendum have a restraining influence on the legislators and operate as a check on vicious, extravagant and special legislation, there is also a tendency to cause the legislator to feel less personal responsibility and to leave to the people matters which he should act on. It also provides what seems to some too easy and expeditious a method of submitting amendments to the constitution. Indeed, some claim that substantially we have no constitution left in the sense it is generally understood.

Criticisms of Initiative

Formerly it required not only a majority of those voting at an election, but a proposed amendment was required to be agreed to by a majority of all the members elected to each house in two successive legislative assemblies, before submission to the people. Now an amendment may be proposed directly by the people and a majority of those voting on it at any general election is sufficient to carry the proposition. The initiative petition for the submission of an amendment must be filed with the secretary of state not less than four months before the election at which it is to be voted upon, and must be submitted at a regular general election unless otherwise ordered by the legislative assembly. This direct method of amending the constitution unquestionably imposes very grave responsibilities upon the electors.

When originally adopted it was generally thought that only measures of great importance and of limited number would be submitted under the initiative. In practice it has been found that such is not the case, although this statement is subject to some qualifications. Not unnaturally when it was first adopted quite a number of laws were proposed and nearly all carried, the enactment of which had been demanded over and over again by the people only to be defeated by the legislature. In other words, it was but the inevitable result of the people having the power to carry out their will which had been hitherto thwarted by the failure of the legislators to act at all, or if they did act, to act adversely. It is also claimed that laws submitted under the initiative may be, and are sometimes, prepared from a biased or

partisan standpoint, and thus are liable to be unfair, ill-considered, or poorly prepared, and, not being susceptible of amendment, must be adopted or rejected as presented. There is truth in this criticism. At the same time there is considerable expense attached to submitting a law, and the people, if they understand it, will not support an unfair or one-sided measure. The chief difficulty in this respect, however, is in getting the facts before the public so that they understand them. A popular demand crystalized into the form of a law headed by a "catchy" title is too apt to receive favorable consideration, the details and imperfections being overlooked in the desire to obtain the ultimate purpose.

Another objection is, that it takes too much of the time of the people in studying proposed legislation. On the other hand, it might be urged that to compel people generally to study and understand the conditions under which they are living could scarcely be called an objection.

However, even if not necessary, it has been found advisable for organizations to issue statements to voters covering the questions to be submitted. They generally consist of a short statement of the measure with the number on the ballot and the recommendations of the organization on the particular question. The Taxpayers League of this city has been specially active in this work, but it can be readily understood that the printing and circulating of these statements and reports costs considerable money, and with elections every year, one the city, the other the state and county, it keeps those interested pretty busy.

I think the foregoing are the chief objections to the initiative, except such as are urged by those who are opposed to it on principle, or the conservatives who view with alarm changes in any direction, or those who wish to limit rather than enlarge either the powers or the responsibilities of the people as a whole. On the other hand, the initiative places in the hands of the people the power to inaugurate such reforms, changes of policy or enact such laws as they may desire, or believe to be to their best interests. A number of changes have been suggested, amongst them being the following:

1. To provide that a larger number of petitioners should be

required to have a measure submitted than is now provided by law. Eight per cent. of the legal voters are now required to propose any measure by petition.

**Changes
Suggested**

2. To have initiative measures first submitted to the legislature with the right to pass upon them or to amend them, and if amended to submit the alternative proposition to the people. Such an amendment has been prepared by friends of the initiative and is now under public consideration.

3. Limiting the number of constitutional amendments or laws that may be submitted to vote at any one election.

4. Limitation of subject matter to a single proposition in concrete form.

5. It has also been suggested that the initiative be confined to bills that have been introduced and failed to pass in the legislature and those that have been vetoed by the governor.

Except number 2, so far as I am aware, none of the other suggested amendments has been reduced to writing or prepared for public discussion.

The referendum is felt to be of great value in operating as preventive of special, extravagant or otherwise obnoxious legislation. This power operates as a strong deterrent against extravagant legislation or that favorable to special interests.

Referendum

The indiscriminate granting of franchises, the bartering away of public rights and the granting of special privileges of all kinds which have been so prolific of corruption in the past, would not have been indulged in to the extent they have, had the people always reserved this power.

There is but little criticism of the referendum. About the only change suggested is to provide for a larger number of petitioners.

It could hardly be said that the people have not voted intelligently upon measures that have been submitted for their consideration. Moreover, nearly all the laws passed

Type of Measures Submitted

by the people, though possibly differing in language or construction, have been rejected by the legislature. The following list is illustrative of measures submitted and votes cast thereon:

	1906	YES.	NO.
Equal suffrage		36,928	46,971
To amend local option law		35,397	45,144
To purchase a private toll road.....		31,525	44,525
For initiative and referendum on local, special and municipal laws		47,778	16,735
Prohibiting free passes, (no enacting clause).....		57,281	16,779
Requiring sleeping car, refrigerator car, and oil co's. to pay annual license upon gross earnings.....		69,635	6,440
Requiring express, telegraph and telephone co's. to pay annual license upon gross earnings.....		70,872	6,360

It will be noted that the act prohibiting free passes had no enacting clause and in consequence failed to become a law.

The act to regulate transportation and commerce, etc., was passed at the legislative session of 1907. Certain provisions of this act, in effect, prohibited the giving of free transportation.

Notwithstanding the vote of the people but recently cast upon the question, the legislature at the *same session* passed an act *requiring the railroads to grant free transportation to state and county officials* as a consideration precedent to acquiring land for corporate purposes by the exercise of eminent domain. A referendum was called upon this act, and at the election of 1908 the law was defeated by a vote of 59,406 to 28,856. This exemplifies the use to which the referendum may be put and is an excellent illustration why it is extremely unlikely that it will be repealed.

A referendum was also called on an appropriation made for the State University. The appropriation was sustained by a vote of 44,115 to 40,535. This referendum is occasionally referred to as an illustration of its dangers. Personally, I do not view it in that way, as I think the discussion that followed, and the better understanding the people in the end had of the subject, did good rather than harm.

I might add that the large negative vote does not really represent the feelings of our people toward the State University. A number of local conditions and issues swelled this vote, and I think I am safe in saying the people of the state generally take a justifiable pride in this institution, which, I am glad to say, is growing in strength and influence all the time.

Among the measures submitted in 1908, and defeated, were the following;

"There is some antagonism among the operators of any kind of gear against any other. Between the gillnetters of the lower and the wheelmen of the upper river this rises to open hostility. Opposing delegations have met before the legislature for many years and each party has succeeded in blocking legislation proposed by the others. At the last election (in June, 1908), each party had its bill, proposed under the initiative, each legislating the other's method of destruction and preserving its own. The electors, in an excess of disgust, tinged with sardonic humor, passed both bills by different but decisive majorities. The laws thus passed taken together practically prohibit fishing by either method as far as the legislation of this state alone was competent to do so."

The recall was adopted by decisive majority.

A law instructing the members of the legislature to vote for and elect the candidate for United States senator who receives the highest number of votes at the general election, carried by 69,668 to 21,162.

An act authorizing the legislature to provide for proportionate representation passed by a large vote.

The "Corrupt Practices" act, also passed by a heavy majority. This act is very long, and, while its object is good, it is exceedingly complicated, and it is doubtful if some of its provisions can, or should be enforced. There is no question, however, but what its operation was noticeable at elections following its adoption, and it certainly had a marked effect for the better.

A constitutional amendment was also passed providing that no person can be charged in the Circuit Court with a commission of a crime or misdemeanor, except upon indictment found by a grand jury. Prior to the passage of this act, the district attorney could, upon his own investigation, file an information which in effect was an indictment.

An analysis of the measures submitted and the vote of the people thereon would indicate that there is nothing in the vote on these measures which would justify condemnation of the law, or fear of its consequences.

At the city election held in June this year, there were thirty-five measures submitted to the people. As the number of measures submitted at this election is often used as a "horrible example" of what the initiative and referendum may lead to, simple

and referendum, notwithstanding certain defects and disadvantages, would meet with defeat. In the future, defects may develop that will provoke a repeal, but this I doubt. On the contrary, I think it much more probable that the defects will be remedied, and the axe will not be laid at the root of the tree. It is true the initiative and referendum is a radical departure from our former practices, and imposes a grave responsibility upon the people. Thus far on the whole, they have fully met this burden and in my opinion it has worked for good, and nothing is of more importance in a government such as ours than to place responsibility directly upon the people. It is my belief that they can be trusted to act upon measures that may be submitted to them, and that as a whole they will act fairly and justly, if they understand them. They may be deceived, but, I do not believe any considerable number of people will knowingly be unjust or unfair, or act otherwise than what they believe to be to the interest of the community.

I do not desire to make any comparisons between laws passed by the legislature and those passed by the people direct, but the comparison if made, would not be unfavorable to those passed through the initiative. While I favor and still favor the initiative and referendum, I am not a partisan or special pleader for it, and if I believed, or was convinced, it worked for harm rather than for good, I would say so, and urge its repeal. At times measures are suggested and action taken thereon that create some doubt as to the wisdom of the procedure, but when one thinks of what went on under the old system, and how indifferent and worse than indifferent legislatures have been, and are, both as to the rights and demands of the people, one feels that a mistake now and then, does not justify a wholesale condemnation of the new system. It is urged that the people without this law have the power to elect only honest and qualified men to office, and therefore there is no occasion to inaugurate what appears to some people to be a revolutionary program. This may be true, but to have a concurrent remedy, can do no harm. Let the people elect honest men, let them also retain the power reserved in the initiative and referendum. Its benefits will then be not in its use, but rather in its potentiality.

In your letter you asked me to discuss the effectiveness of the initiative and referendum as instruments for securing a democratic government. I am sure you do not desire an academic discussion of this question. **Effectiveness** You are, of course, aware that there are two lines of thought. One holding that it is destructive of, the other that it is an aid of a democratic form of government. It is asserted, as you know, that under it a state does not enjoy the character of government guaranteed by the Constitution of the United States, and a case involving this point, is now pending in the Supreme Court of the United States on appeal from the Supreme Court of Oregon. However, thus far the courts have held, including the Supreme Court of this state, that the initiative and referendum as adopted in this state are not contrary to the provisions of the Constitution of the United States guaranteeing republican form of government.

It is also asserted that the only method by which our character of government can be maintained, is through representatives chosen by the people. Very earnest and able men support both views, but speaking from our experience thus far, it is my opinion that the initiative and referendum tends to secure more democratic government, if by that term is meant government by the people and for the people, than does the purely representative form.

A number of laws and amendments to the constitution have been approved by the people when proposed by initiative petition, after the same measures had been rejected by the legislature, and are some evidence of the truth of this statement.

The foregoing statement may not be what you desired, and you may have wished something more in the nature of a discussion of the subject than the stating of facts. It seemed to me, however, that what a body such as the League desires is facts from which they can draw their own conclusions, and these I have tried to give.

**CIRCULAR ISSUED BY TAXPAYERS LEAGUE
IN JUNE, 1909, ELECTION.**

The Taxpayers League, recognizing the necessity of a concise statement and a careful analysis of the subjects to be voted upon at the coming city election on June 7th, 1909, appointed a sub-committee, composed of W. B. Ayer, Geo. W. Bates, Rodney L. Glisan, L. J. Goldsmith, Thos. N. Strong and J. N. Teal, to make such examination and analysis and to submit recommendations. This committee has carefully considered these Amendments and Ordinances, and for reasons stated on the latter pages of this circular, makes its recommendations as follows:

THE TAXPAYERS LEAGUE,

By **FREDERICK W. MULKEY, President.**

L. J. GOLDSMITH, Secretary.

IT ADVISES THE VOTERS OF THE CITY

<i>Yes.</i>	IN REGARD TO	<i>No.</i>
4903	Charter Amendment, Committee of Fifteen (The New Charter)— <i>Vote NO on 101.</i>	10770
4009	Charter Amendment of Committee of Fifteen— <i>Vote NO on 103.</i>	10815
7297	Charter Amendment of Committee of Fifteen— <i>Vote NO on 105.</i>	6825
5398	Charter Amendment, Committee of Seven— <i>Vote NO on 107.</i>	9183
6523	Amendment to Regulate Wiring— <i>Vote NO on 109.</i>	8466
10302	Amendment Requiring Accounts— <i>Vote YES on 110.</i>	4444
8048	Amendment, Women's Auxiliary— <i>Vote YES on 112.</i>	7017
5783	Amendment, Treasurer to Purchase Warrants— <i>Vote NO on 115.</i>	8687
7180	Banking City Funds— <i>Vote YES on 116.</i>	7093
5451	Amendment, Deposit Funds on Surety Bonds— <i>Vote NO on 119.</i>	8501
5687	Amendment, Civil Service— <i>Vote YES on 120.</i>	8464
8471	Second Amendment, Civil Service— <i>Vote YES on 122.</i>	6143
5402	Amendment, Deputy Clerk Municipal Judge— <i>Vote YES on 124.</i>	9208
9120	Amendment, Auditor Act with Viewers— <i>Vote YES on 126.</i>	5121
8684	Amendment to Ascertain Liens— <i>Vote YES on 128.</i>	5364
7740	Amendment to Rededicate Streets— <i>Vote YES on 130.</i>	5798
7549	Amendment, City Acquires Street Earth— <i>Vote YES on 132.</i>	6653
7798	Amendment, Bonding Assessments— <i>Vote YES on 134.</i>	6014

Ballot No. 112—The amendment authorizing a Women's Auxiliary to the police department seems necessary. *Vote Yes.*

Ballot No. 115—The amendment authorizing the City Treasurer to purchase bonded warrants is of trifling importance. A treasury full of bonded warrants would be of little use in a panic. *Vote No.*

Ballot No. 116—The amendment authorizing banks with a capital of \$50,000.00 to receive city deposits on giving proper security seems a proper one. The security being sufficient, the capitalization of the bank is comparatively unimportant. *Vote Yes.*

Ballot No. 119—The amendment authorizing the City Treasurer to loan city funds on the security of surety bonds does not commend itself. Surety bonds in times of panic, the only time money would be needed, would be about as useful as wet gunpowder, and the surety company would naturally consider itself as liable only after the bank had failed. *Vote No.*

Ballot No. 120—The amendment modifying the civil service regulations is good as far as it goes. *Vote Yes.*

Ballot No. 122—The amendment to the civil service regulations referred to under this number in the foregoing recommendations is also a very proper one and would doubtless tend to increased efficiency of employees. *Vote Yes.*

Ballot No. 124—The amendment authorizing a Deputy Clerk for the Municipal Court seems necessary. *Vote Yes.*

Ballot No. 126—The amendment authorizing the City Auditor to act as the clerk of street viewers is a proper one, as its only purpose is to ensure the good form of viewers' reports. *Vote Yes.*

Ballot No. 128—The amendment requiring the City Auditor to ascertain if any liens exist before making payments for appropriated streets has become necessary, as cases have occurred where mortgagees, by such proceedings, have lost their security. *Vote Yes.*

Ballot No. 130—The amendment requiring a rededication of streets where a vacation of streets is sought for the purpose of remodeling a plot, is a just and proper one. *Vote Yes.*

Ballot No. 132—The amendment providing that the city shall own the soil in streets ordered to be improved presents many curious questions. The right of the owner to use the land in front of his lot is unquestioned until the improvement is ordered, and the courts have held that he owns it afterwards. If so, what is the city to do for soil to fill the low places, and what must the street contractor do with the soil when he removes it? This amendment attempts to cut the knot in the only reasonable way that seems possible. *Vote Yes.*

Ballot No. 134—The amendment for the bonding of assessments differs from the old in allowing the bonding for all small amounts. This is only just and proper. *Vote Yes.*

of the river, and three-fifths at least of its residences on the east side. This bridge is therefore an absolute necessity if prospering conditions are to continue as they are. *Vote yes.*

Ballot No. 155—The amendment relating to electrical wiring is, in the judgment of the League, correct in principle, but should not pass at the present time because the electrical companies are at present working under a recently passed ordinance making the space thirteen inches on each side of the center of the pole, and it would be an injustice to compel them to immediately undo all they have done; also because the ordinance is defective in that it does not omit from the operation that portion of the city where the wires are now being placed under ground. *Vote No.*

Ballot No. 157—This amendment to change the Madison street bridge to Market street is unjust and would entail an extra cost of about \$500,000. As business has adapted itself to the Madison street bridge, it should remain where it is. *Vote No.*

Ballot No. 159—This amendment, authorizing the construction of the Sherman street bridge and the issuance of \$1,500,000 of bonds, could only be justified by an urgent necessity, which, in the view of the League, does not exist. *Vote No.*

Ballot No. 161—This amendment, prohibiting the use of patented articles in public improvements has a flavor of the middle or dark ages in it. If citizens want a patented article, why should they not have it? If they have it, then why should they not pay the price for it? A law to abolish patents would be more in point and just about as absurd. *Vote No.*

Ballot No. 163—This amendment to grant a monopoly of the liquor business to the Gothenberg Association, and to provide for a participation by the city in the profits, seems dangerous and vicious to the last degree. The corruption of the dispensary system would accompany it. *Vote No.*

Ballot No. 165—The excise board amendment, to regulate the liquor traffic, is also a radical departure, but in the other direction, and would, if enforced, strike disastrously at clubs, hotels and other business enterprises. From even the standpoint of the prohibitionist it would seem inadvisable to abandon the present most effective battlefield of local option for such radical and untried measures, which, even if maintained for a time, could only result in a final and disastrous reaction. *Vote No.*

Ballot No. 168—The referendum demanded on the vehicle ordinance does not meet with the approval of the League. In its opinion this ordinance is just and reasonable and should pass. *Vote Yes.*

Ballot No. 167—It is proposed by initiative petition to appoint a commission named in the act to establish and maintain a municipal power and light plant and issue bonds for that purpose to the amount of \$2,000,000.00. The League at this time advises very strongly against the proposed plan. To issue such a large amount in bonds, entailing tre-

mendous interest charges, would necessitate heavy tax burdens that would cripple the city to the injury of every man, woman and child in it, and experience has shown that municipal light and power plants are often a heavy burden upon a community. *Vote No.*

CONCLUSION.

If, after an examination of this circular, it meets the approval of any voter, it can be taken to the voting booth and a crossed marked upon the official ballot opposite the numbers suggested, as, for instance, "101 X," "107 X," "109 X," etc.

AS A LAST WORD the League urges great caution in increasing the debt of the city or in any action that might impair its commercial credit or position. Whether a citizen carries his capital in his head, his hands or his pockets, he is alike interested in maintaining the supremacy of his city and the prosperity and happiness of his own household.

The Recall in Los Angeles.

FIELDING J. STILSON, LOS ANGELES, CAL.,

Member of the Board of Education.

I do not intend to enter into a general discussion as to why so many cities at the present time have been, and are, corruptly governed, because the opportunity has not been given me personally to investigate the reasons, but I will try to show that in the beautiful city of Los Angeles, the element which has made it what it is to-day—one of the best governed and free-from-graft municipalities—has been fostered by the constant guardianship of a splendid phalanx of patriotic citizens.

There have been times when Los Angeles was badly governed, when there was considerable graft and a misdirection of the functions of civic officials, and had it not been for the vigilance and promptness with which this state of affairs was subdued, undoubtedly it would have waxed so arrogant as to have become a formidable menace to our growth and happiness.

**Los Angeles
Well-Governed**

Every effort that has been successful to cleanse Los Angeles of corruption has been due to three organizations working in unison, and foremost among these is the Municipal League, usually the originator of the plans to bring about the desired changes.

While, of course, the entire membership of these respective organizations was perhaps not in accord with certain moves that were made, there were among them a body of very earnest, clever men who desired to rid the city of its objections. This movement was definitely started in the fall of 1904, just before a municipal election was to take place. It so happened that partisan politics was strongly entrenched in the educational department of the city. There had been at one time a very bad scandal in which one or two members of the board of education were disgraced. The manner in which the affairs of the schools were being run at that time had become a by-word, and it was deter-

of some of these men, there would be less progress than there is. We are fortunate in having in Los Angeles one of these "fad-dists" in the person of Dr. John Randolph Haynes, a physician and citizen of the very highest type. It was through Dr. Haynes that the recall was placed in our present charter amendments, along with the initiative and the referendum. These three features were at that time looked upon by the professional politicians who were then running the city as harmless to them.

**Dr. John R.
Haynes**

Nothing was thought of, nor little attention paid to, the recall until an incident in the city council in 1904, when the city printing contract was to be given. Then the council was made up of machine politicians, backed by a machine newspaper of the largest local circulation, and therefore it was not unnatural that this printing plum should be given to the paper in question at a very much higher price than other papers of sufficient circulation for all purposes were willing to do it for.

Further, the successful bidder was a violent denouncer of labor unions, and in the sixth ward of the city, where there resided a large labor vote, a movement was started to recall the councilman of that ward for casting his vote for the contract in question. A petition was circulated, compelling the offending councilman to stand for re-election. The necessary signatures were easily obtained, and an opposing candidate, untried, and unknown was placed in opposition and was elected. The result was a shock to the machine. Only then did they fully realize what the recall meant to them. They began a terrible tirade on the promoters of the recall, and all the elements which stood for it. No stone was left unturned, either legally or otherwise, to upset this new instrument which gave the people absolute jurisdiction over their representatives, but all to no purpose. The matter was successfully carried to the Supreme Court of the state, and it was decided to be constitutional for the prime reason that the people themselves initiated the movement.¹

**First Use of the
Recall**

Once again was the recall brought into action when a very

¹ See paper of Charles D. Willard in the New York Proceedings.—
EDITOR.

low order, and as a result of this environment, the mayor himself, as well as the police department, became exceedingly lax in the proprieties of life.

The public first become aware of the corrupt conditions through repeated newspaper attacks made upon the mayor and police department by Thomas Lee Woolwine, then City Prosecutor, who openly charged certain officials, including the mayor, with corruption and the protection of vice.

Our people then again awoke to the realization that something must be done to prevent the city from being disgraced, and the old sentiment of civic righteousness which had only been slumbering burst forth into a brilliant flame and the recall flashed upon the political horizon. It was perfectly natural that the mayor and his friends, being opponents of the recall, should bitterly denounce the proposed action, and said that it was simply a spiteful and selfish desire of a very few citizens whom they dubbed as "our set", to oust the mayor and his commissioners, and place officials of their own choosing in the respective offices.

The battle was waged fiercely, and many a friend and foe was made for the sake of the city's redemption. After the contest had been carried on for some weeks, the mayor capitulated, resigning from office.

In the meantime a most estimable gentleman, George Alexander, had been placed in nomination as the opponent of the incumbent mayor. He was a man who had been tried and not found wanting in public office, and commanded the respect of his fellow men. It is true that a large number of other prominent citizens were invited to become candidates, but in every instance they politely but firmly refused.

Upon the resignation of Mayor Harper, the local satellite who was conducting the political machine thought he saw a clever opening to oppose the plans of the recall adherents. He approached certain members of the council with a proposition that they should now elect a mayor themselves, and an effort to that effect was made, but the matter was immediately taken into the courts, and under the decision of Judge Bordwell it became mandatory that the recall election must proceed.

At this point Fred C. Wheeler, candidate of the Socialists

was brought strongly into view. Still with hope the designing politicians threw all of their strength for this candidate for whom at all other times they would have had absolutely no use, but their one great desire was to break up the recall at whatever cost.

**Election of
Alexander**

Mayor Alexander was elected by a small majority, but this was accounted for by the fact that a very large percentage of the voters were so certain of his election that they did not take the trouble to go to the polls. Since that time Mayor Alexander has filled the office with satisfaction, and is now a candidate for re-election under the new direct primary laws.¹

It is only after events have taken place that one can look back and consider. At the time of the last recall election a great hue and cry was raised that it would hurt business, and disgrace Los Angeles in the eyes of the world by having its polluted condition exposed.

Such argument is simply nonsense, and it would be just as sensible for a surgeon to sew up a gangrene wound, thus leaving the patient to suffer, and undoubtedly die, as it would have been to cover up the maladministration of Mayor Harper and his commissioners.

The sooner the citizens of a municipality realize that whenever a condition of affairs exist such as did in Los Angeles, they should take hold and clean the Augean stables, then the better off will be our municipal life, and therefore the more healthy and more happy.

There is one feature about the recall which if put into practice in the other cities of the United States must be very carefully considered, and that is the percentage of votes necessary to call an election.

Upon inquiry from Mr. Charles Dwight Willard, so well and favorably known, and who had direct charge of securing the necessary petition, I discovered that it was with great difficulty that 25 per cent. of the necessary votes was obtained. It is a strange thing, but there are hundreds of business men who, while

¹ Mayor Alexander was subsequently triumphantly renominated and re-elected Mayor.—EDITOR.

they feel that the officer who is impeached ought to be removed, will not openly approve of the same, and refuse to sign such a petition.

**Percentage
Required for
Recall**

They are afraid of course that it will hurt their business, or reflect to their personal disadvantage, and it was only after the most arduous effort by a corps of exceedingly efficient workers that the necessary percentage to bring about the last recall in Los Angeles was obtained. When the petition was filed, it was found to have about 33 per cent., the managers taking no chances.

One of the fiercest arguments that has been used against the recall was that the percentage in the case of Los Angeles was too small, and that it was not sufficiently numerically representative to bring about such a contest, and thus put the city to considerable expense, but as stated above if it had been necessary to obtain fifty or even forty per cent. the recall of Mayor Harper would have been absolutely impossible.

It is necessary to base the percentage upon the population of a city. In the smaller towns it would not be difficult to obtain thirty or even forty per cent. of the necessary vote, but when it comes to populations of over 100,000, it would be impractical to have it more than 25 per cent., and naturally as the population increases, the percentage must decrease. It is very doubtful that if the recall were to be used in cities of over 500,000 population, that 20 per cent. could be secured, and I have heard it authoritatively predicted that it would be difficult to obtain even 10 per cent.

Now if the recall can be successfully used in Los Angeles, why can it not likewise be placed in the hands of the voters of other cities? All that is needed is an awakening, and the proper moving spirits to put it into tangible shape. I would venture the opinion that if the recall were in the city charters of the cities of the United States, political corruption would diminish 50 per cent.

In nearly every case the citizenship of a community will sooner or later come to the rescue when it is necessary, and if the recall is available it will come the sooner. In addition, it gives the citizen a feeling of safety as well as of power, and makes him

believe that after all he has some say in his own government. It brings him into closer touch with the development and growth of the city in which he lives, and consequently makes him take a greater interest in maintaining a standard of civic decency.

Los Angeles would no more think of giving up its recall than it would of discarding its present charter and going back to the government of the old pueblo days. It is here to stay, and nothing can ever take it away. It has meant everything to our civic betterment, and now that the people once, and even thrice have tasted the fruits of victory, controlling directly the acts of city officials by elective franchise, the very last thought would be to give up the recall which is our constant protection against corrupt, dishonest and inefficient civic government.

Referenda in Massachusetts, 1776-1907.

Dr. EDWARD M. HARTWELL,

Secretary Statistics Department, City of Boston.

Although referendum is a borrowed term which has gained currency in our political vocabulary only recently, it has long been customary for the Legislature of Massachusetts to refer questions to the voters both of the Commonwealth and of the individual municipalities. Such questions fall mostly into three principal classes, viz, (1) general referenda, on matters relating to the constitution of the state government; (2) special referenda, relating either to the charters or charter amendments of cities, or to the acceptance of other special acts; and (3) recurrent referenda whereby, in accordance with the Revised Laws, each city and town is annually called upon to vote yes or no upon the question of licensing the sale of intoxicants within its borders.

Because the main purpose of this paper is to determine the character and extent of the interest shown by the voters of the State in the three score or more questions that have been referred to them since 1775, I shall not attempt to discuss referenda of the second and third classes, whose numbers run into the hundreds, although certain of them must needs be mentioned in outlining the record of the voters of Boston as regards electoral contests and referenda respectively.

In attempting to measure the interest of the electorate and the significance of the votes cast upon the referenda under review,

**Criteria
Adopted** I have adopted two criteria: (1) the percentage of the total vote upon a given question to the total vote cast for governor of the State in the same year; and (2) the percentage of the major vote upon a given question to the total vote upon that question. However, owing to the inadequacy of the records, whether in print or manuscript, all members of the series of general referenda cannot be satisfactorily tested by either criterion. Much less is it possible to state, in respect to referenda submitted before 1890, what proportion of the registered voters actually voted for governor on a referendum in a given year.

On June 9, 1775, the Continental Congress passed a resolve advising the Provincial Congress to consider the governor and lieut.-governor “as absent and their offices vacant,” and recommended the Provincial Congress “to write letters to the inhabitants of the several places which are entitled to representation in the assembly, requesting them to choose such representatives, and that the assembly when chosen do elect councillors; and that such assembly, or council, exercise the powers of government until a governor of his majesty’s appointment will consent to govern the colony according to its charter.”

Accordingly the Third Provincial Congress voted, July 20, 1775, to send a letter to the towns calling upon them to choose representatives for “a general council or assembly” to convene at Watertown on July 19, 1775. The towns did so, and the First House of Representatives of the State of Massachusetts Bay in New England met on that date. Two days later it chose 28 councillors, from among its 208 members who represented 194 out of 268 towns. The Council usually termed the “Honorable Board”, exercised a mixture of executive and legislative functions, until the Constitution of 1780, which provided for a governor, lieut.-governor, council, senate and house of representatives, took effect in September of that year.

The following summary statement may serve to show the number and indicate the nature of the questions referred to the voters of Massachusetts in 131 years:

SUMMARY OF REFERENDA 1776—1907.

A. *Special Questions.*

Year		Accepted	Rejected	Total
1776	Do you favor a Declaration of Independence?.....	1	—	1
1778	Do you favor a Confederation of the Colonies?.....	1	—	1
1895	Should Municipal Suffrage be granted to Women?.....	—	1	1
		<hr/>	<hr/>	<hr/>
	Totals.....	2	1	3

B. *Proposals to hold Constitutional Conventions.*

Year	Accepted	Rejected	Total
1776	1	—	1
1777	1	—	1
1779	2	—	2
1795	—	1	1
1820	1	—	1
1851	—	1	1
1852	1	—	1
	<hr/>	<hr/>	<hr/>
Totals.....	6	2	8

C. *Constitutions Submitted.*

Year	Accepted	Rejected	Total
1778	—	1	1
1780	1	—	1
	<hr/>	<hr/>	<hr/>
Totals.....	1	1	2

D. *Constitutional Amendments Submitted.*

Year	Accepted	Rejected	Total
1821	9	5	14
1831	1	—	1
1833	1	—	1
1836	1	—	1
1840	1	—	1
1853	—	8	8
1855	6	—	6
1857	3	—	3
1859	1	—	1
1860	2	—	2
1863	1	—	1
1877	1	—	1
1881	1	—	1
1885	1	—	1
1889	—	1	1
1890	2	—	2
1891	2	—	2
1892	1	—	1
1893	1	—	1
1894	1	—	1
1896	—	2	2
1907	1	—	1
	<hr/>	<hr/>	<hr/>
Totals.....	37	16	53
Grand totals.....	46	20	66

In this year the First House of Representatives of the State of Massachusetts Bay submitted the first referendum, so far as I can learn, in the history of the State. It is found in the following resolve passed May 9, 1776 by the House of Representatives:

**Referenda,
1776-1780**

Resolved, That it be & hereby is recommended to each Town in this Colony who shall send a member or members to the next General Assembly fully to possess him or them with their Sentiments relative to a Declaration of Independence of the United Colonies of Great Britain to be made by Congress & to instruct them what Conduct they would have them observe with regard to the next General Assembly Instructing the Delegates of this Colony on that Subject.

May 10th, the Council voted not to concur; but the House adhered to its Resolve which was accordingly printed and sent to the several towns.

No complete official statement of the returns from the towns can be found. It is possible to name but 38 towns that voted on the question, between May 20th and July 25th. Barnstable, whose town meeting was held on July 25th, was the only one of the 38 towns that voted against the proposed declaration. In most of the towns, the vote for the declaration appears to have been unanimous.

James Warren, Speaker of the Second House of Representatives, which convened on May 29, 1776, wrote to Elbridge Gerry, one of the Massachusetts delegates to the Continental Congress, that one-half of the members had received affirmative instructions and that it appeared to him "that the sentiments of our colony are more united on this great question than they ever were on any other; perhaps ninety-nine in one hundred would engage with their lives and fortunes to support Congress in the matter."

It is interesting to note that Gerry had written from Philadelphia on March 26th, suggesting to Warren that measures be taken to ascertain the attitude of the towns of Massachusetts towards Congress if it should declare the independence of the colonies. On June 13th, Joseph Hawley, a member of the Council, wrote to

**The First
Referendum**

structions (which are to be found in the town records, but not in the state archives) is indicated by the following extracts:

INSTRUCTIONS TO THE REPRESENTATIVES OF THE TOWN OF
BOSTON.

Gentlemen:

At a time when, in all Probability, the whole United Colonies of America are upon the Verge of a glorious Revolution, & when, consequently, the most important Questions that ever were agitated by the Representative Body of this Colony, touching its internal Police, will demand your Attention; your Constituents think it necessary to instruct you, in several Matters, what Part to act, that the Path of Your Duty may be plain before you.

We have seen the humble Petitions of these Colonies to the King of Great Britain repeatedly rejected with Disdain. For the Prayer of Peace he has tendered the Sword;—

The Germ of the Initiative for Liberty, Chains,—for Safety Death. He has licensed the Instruments of his hostile Oppressions to rob us of our Property, to burn our Houses, & to spill our Blood. He has invited every barbarous Nation, whom he could hope to influence to assist him in prosecuting those inhumane Purposes. The Prince, therefore, in Support of whose Crown & Dignity, not many years since, we would most cheerfully have expended both Life & Fortune, we are now constrained to consider as the worst of Tyrants; Loyalty to him is now Treason to our Country: . . .

We think it absolutely impracticable for these Colonies to be ever again subject to, or dependent upon Great Britain, without endangering the very Existence of the State:—The Inhabitants of this Town therefore, unanimously instruct & direct you, that, at the Approaching Session of the General Assembly, you use your Endeavors, that the Delegates of this Colony, at the Congress, be advised, that in Case the Congress should think it necessary for the Safety of the United Colonies, to declare themselves independent on Great Britain, the Inhabitants of this Colony, with their Lives & the Remnant of their Fortunes, will most cheerfully support them in the measure.

Possibly the germ, albeit a blighted germ, of an “initiative” may be discovered in the now obsolete habit of constituents instructing their representatives.

The second referendum of 1776, was embodied in a resolve of the House of Representatives passed September 17th. The “male inhabitants free and twenty-one years and upwards” of

in Maine, or 171 towns in all, made returns. In the works of Ex-President John Adams it is stated that 120 towns in 1778 did not vote on the acceptance of the proposed constitution, and that only about 12,000 voters went to the polls. I can account for 112 towns that made no returns; and my tentative totals show that 140 towns, 125 in Massachusetts and 15 in Maine, voted against ratification; while 31 towns, 26 in Massachusetts and 5 in Maine, voted for it. It appears that some 12,785 votes were cast upon the referendum, of which 10,740 were nays and 2,045 were yeas. These figures correspond fairly well with the statements of various writers who say that the constitution was rejected by a vote of five to one. That no returns can be found for 39 per cent. of the towns is worthy of note.

The Boston Town Meeting, on May 25, 1778, voted unanimously, 968 votes being cast, against ratification of the constitution—chiefly because it had not been framed by a convention chosen especially for the purpose by the people, and also because it was not prefaced by a bill of rights.

There is reason to believe that a second referendum was submitted to the towns of Massachusetts in 1778, asking their opinion of the proposed Articles of Confederation of the United States. It was ordered by the House of Representatives on January 19, 1778:

That the several members of the House (who are not impowered to act upon the proposed Articles of Confederation of the United States) be directed immediately to write to the Selectmen of their respective Towns desiring them forthwith to call a Meeting of their Inhabitants to empower their Representatives to act upon the proposed Articles of Confederation aforesaid.

On March 10th, the Assembly voted to approve the proposed Articles of Confederation "as well calculated to secure the Freedom, Sovereignty and Independence of the United States." . . . and to instruct the delegates (of Massachusetts) in the Continental Congress "to subscribe said Articles of Confederation and perpetual union as they were recommended by Congress"—on certain conditions that need not be detailed here.

The records of the General Court do not enable one even to

the third article of the Bill of Rights and the second article of the first chapter relative to the mode of electing senators," by a unanimous vote of 887. The article relative to the election of senators was then accepted by a total vote of 886 yeas to one nay. Two days were then devoted to the third article of the bill of rights, which, being amended, was finally accepted by a vote of 420 yeas to 140 nays. The article in question authorized and empowered the Legislature to require the towns to maintain at their own expense the public worship of God and public Protestant teachers of piety, religion and morality, and to enjoin attendance of "all subjects" upon the instructions of such teachers.

On September 4, 1780, the first state election under the new constitution was held. There were 12,281 votes cast for governor, 600 in Maine and 11,681 in Massachusetts. Maine remained a part of Massachusetts till 1820. John Hancock was elected governor. He received 11,207 votes or 91.25 per cent. of the total vote for governor. James Bowdoin, his competitor, received 1,033 votes.

When we remember that at the election of 1780 the people of Massachusetts were privileged for the first time since 1691 to elect their governor, the total vote for governor seems a light one; particularly as the vote on the acceptance of the constitution of 1780 appears to have exceeded 13,000. Another notable feature of the vote for governor in 1780 was the failure of 71, or 24 per cent., of the towns to make return of any vote for governor. Some 76 towns, of which 42 were in Massachusetts, appear not to have made return of any vote regarding the constitution of 1780.

The Sons of the Revolution will do well to note that the voting habits of their fathers were rather peculiar.

In Boston, September 4, 1780, the votes cast for governor amounted to 923 (or 36 more than were cast for the constitution), against 339 for lieut.-governor; while the highest vote cast for a senator was 275. At an election of representatives on October 11, 1780, the votes for seven of them ranged between 150 and 181 in a total of 185 present and voting.

The existence of a relatively large stay-at-home vote in Massa-

such varied questions, although the questions demanding yes or no answers in certain periods appear at first sight not to warrant such a statement. For instance, 14 proposed amendments were voted upon on April 9, 1821.

The people of Massachusetts, having secured a constitution to their liking, were content to leave it unchanged for forty years. Since 1820, one article in the Bill of Rights and 30 articles in the Constitution have been altered through the ratification of 37 amendments. In altering the constitution the people have acted with much discrimination and have shown their dislike of wholesale or headlong changes.

But two conventions to revise the constitution have been held. The first, held in 1821, proposed 14 distinct amendments of which only nine were ratified, although several of the rejected amendments were subsequently accepted.

The second constitutional convention, that of 1853, submitted eight "propositions" to be answered by Yes or No. That numbered "one" was a blanket referendum, covering what was in effect a revised constitution embodying many radical changes; the other seven were categorical propositions. However, all of the eight were rejected.

Constitutional Convention of 1853

The impolicy of asking the voters to say yes or no to a complicated proposition involving several unrelated questions, as in the case of "Proposition One of 1853," seems to have been recognized by the Massachusetts Legislature. At any rate since 1853 it has refrained from submitting blanket or alternative referenda to the voters of the State. But its course has been less consistent in submitting special acts to individual cities for their approval or disapproval, numerous revised charters having been submitted *en bloc*.

In 1851, however, an act providing (1) for the election of one alderman from each ward instead of twelve aldermen at large, and (2) for the election of two assistant assessors from each ward was submitted to the voters of Boston. The act was rejected by a vote of 6,966 nays to 4,519 yeas.

In 1852, an act embodying four distinct questions to be voted on separately was submitted to the voters of Boston. Questions

that in the contest for governor. A few of the occasions when a relatively large vote was evoked in the State by referenda are noted below.

In 1780, on approval or disapproval of Article I of the Bill of Rights, the per cent. was 105.9 of the vote for governor.

In 1853, when all of the eight "propositions" recommended by the convention of that year were rejected, the per cents. ranged between 101.8 on accepting the revised bill of rights and constitution to 100.8 on enlarging the powers of juries in criminal causes. In 1851, on the question of holding a constitutional convention (which was negatived), the per cent. was 92.4 and in 1852, when it was voted to hold one, the per cent. was 90.7, as compared with 34.4 in 1820 and 92.2 in 1795, when the same questions were up.

In 1895, on the expediency of granting municipal suffrage to women (which was negatived), the per cent. was 83.5.

In 1885, on the question of forbidding the manufacture of intoxicating drinks (settled in the negative), the per cent. was 82.2.

The lowest per cents. in this class are found in 1860 on the question of establishing methods for filling vacancies (1) in the Senate and (2) in the Council, the per cent. being 3.3 in each case. The extremely light interest in these referenda may be accounted for largely by the fact that there was a presidential election in 1860, and that the vote for governor, which resulted in the first election of John A. Andrew, was phenomenally large.

In a number of cases the major vote exceeded the minor vote by a narrow margin, as is shown by the per cents. given in B. 1, Table III. Thus, the vote of 1821 to authorize the Legislature to grant city charters was only 50.1 of the total vote. In 1853, the corresponding per cent. (against abolishing imprisonment for debt) was 50.9; and that against forbidding the expenditures of public moneys for the support of sectarian schools was 50.3. It may be noted that in 1855 the last mentioned proposal was approved, when the per cent. of the major vote to the total vote on the question amounted to 87.3, in a year when the total vote on the referendum amounted to only 14.7 of the vote for governor.

The following are instances in which the major vote greatly exceeded the minor vote: In 1780, it was 92.3 per cent. in favor of Article I of the Bill of Rights.

In 1833, the per cent. was 90.8 on changing Article III of the Bill of Rights so as to relieve the towns of paying for the support of ministers of piety, religion and morality. In 1821, the same proposition was rejected when the per cent. of the major vote was 63.9 of the whole vote.

In 1857, on the question of changing the method of appointing senators (which was accepted), the per cent. was 88.4.

The per cent. of votes cast in a contest, or on a referendum, to the votes that might have been cast had all the registered voters voted, i. e., the per cent. of the actual to the possible vote may be termed, for convenience, the per cent. of interest. When the per cent. of interest can be determined it appears to me to constitute the most satisfactory criterion whereby to estimate the relative interest of voters in respect to referenda and electoral contests. But as has been stated already, the per cent. of interest shown by the voters of Massachusetts before 1890 cannot be determined without enormous labor.

The following summary statement may be of interest in this connection, as it sets forth the per cent. of interest shown by the voters of Massachusetts and of Boston in the principal kinds of electoral contests and referenda respectively in the period 1890-1909 inclusive.

The data summarized in this statement, though interesting and instructive, cannot be given here in detail for lack of space.

REFERENDA IN MASSACHUSETTS

COMPARATIVE PER CENT. OF INTEREST IN ELECTORAL CONTESTS AND
REFERENDA, 1890-1909.

IN (1) MASSACHUSETTS;

(2) BOSTON.

A. Electoral Contests for:	No. of Contests.	Per Cent. of Interest.	No. of Contests.	Per Cent. of Interest.
President.....	5	81.81	5	81.35
Governor.....	19	72.65	19	75.70
Total.....	24	75.66	24	76.93
Mayor	—	—	12	78.18
All contests	24	75.66	36	77.33
B. Referenda on:				
State questions	11	45.83	11	51.83
City questions	—	—	13	59.33
License questions.....	—	—	19	63.33
All referenda	11	45.83	43	59.49

Inspection of the foregoing statement shows that electoral contests evoked more interest than did referenda in the period 1890-1909.

On November 2d of the present year at the State Election the voters of Boston were called upon to vote for "Plan 1" or "Plan 2" as set forth in the Revised Charter prescribed by the Legislature in chapter 486 of the acts of 1909.

"Plan 1" provided: (1) for a two years' term for the mayor; (2) for a city council of 36 members, of whom 27, to be elected by wards, should be nominated in primaries, and should be elected at large; (3) for the nomination of school committee, mayor and councilmen at large by conventions of delegates elected in primaries or by nomination papers.

"Plan 2" provided: (1) that the mayor should be elected for four years subject to recall after two years; (2) for a city council of nine members to be elected at large for three year terms; and (3) that all nominations for a municipal election should

Boston seems to have become a fixed idea with the law-givers; and Boston has to have its revised charters prescribed for it by the General Court, as in 1885 and 1909. As the case stands at present, Boston is not allowed to vote on the acceptance or rejection of its frame of government in its entirety, but the other 32 cities of the Commonwealth are allowed so to vote. Inspection of the tables I-III seems to show, however, that the votes of Boston on referenda, in the period 1780-1907, have evinced quite as much intelligence and discrimination as have the votes of the rest of the state on the same referenda.

The Inhabitants of the Commonwealth have materially altered the Constitution of 1780 by the 37 amendments which they have ratified since 1820. They have annulled the power of the Legislature to require towns to provide means for the support of any kind of clergymen or to require the "subjects" of the Legislature to attend upon the instructions of ministers of religion. They have forbidden the expenditure of public moneys for the support of sectarian schools. They have abolished religious tests and property qualifications that originally restricted the right to hold office or to vote for State officers. They have reduced the number of sessions of the Legislature, although they have refused to change from annual to biennial elections. Whereas the apportionment of senators was originally based upon the amount of taxes paid in the several senatorial districts, it is now based upon the number of legal voters found by the decennial census, and is changed every ten years. The apportionment of representatives is based upon the same principles as that of senators, instead of upon the number of ratable polls. Councillors, the secretary, the treasurer, the auditor and the attorney-general of the Commonwealth are no longer chosen by the Legislature but are elected by the people. Imprisonment for debt has been abolished, and "the president, professors and instructors of Harvard College" have been granted the right to hold a seat in the General Court if they can secure one. These changes have been wrought by the people with deliberation and generally as the result of careful consideration and prolonged discussion.

I must confess that the evidence that the voters of Massachu-

setts have shown wisdom, intelligence and discrimination in their votes on referenda is much more ample and convincing than I anticipated when I began this study. To my mind the conclusion of the whole matter is: that the referendum has proved to be a reasonably effective instrument for determining the mind and will of the voters of Massachusetts upon constitutional questions.

The Associated Harvard Clubs' Report on School Administration.

A. JULIUS FREIBERG, Esq., Cincinnati.

The Associated Harvard Club is an organization federating the clubs of Harvard graduates, which exists in nearly all of the cities and states in the United States. The object of the Association is the promotion of all matters pertaining to the welfare of Harvard and the establishment of closer relations between Harvard and its Alumni. The Association meets once a year, usually in one of the larger cities of the middle west. The meetings are very well attended by Harvard men from all over the Union, including representatives from the faculty of the University, and often including the President.

President Eliot, so long the leader of Harvard, early in his career made the study of secondary schools, and schools subsidiary to the college in general, a vital part of his business as President of Harvard College. What more natural than that Harvard men should be imbued with the importance of a proper administration of the common school system of the country and should regard an interest in such matters as a part of their loyalty to Harvard?

At the meeting of the Association in Philadelphia in 1908, at President Eliot's suggestion, reports were submitted by the various constituent clubs of all the large centers. These reports consisted of answers to a set of questions previously sent out, bearing upon the organization and control of the common schools. The questionnaire embraced an analysis of school laws, the method of election of school boards, the amount of tax levy for school purposes, the question of the school board's connection with partisan politics, etc. The reports were so comprehensive and so carefully drawn that the Association proposed for its next meeting a consideration of all the information thus gathered, with a view to outlining a model system of school administration so far as is possible. A committee was appointed to

board; that the people in the various sections are interested in having their school personally supervised by some one of their own choice; that the small board is apt to be aristocratic, autocratic, and one that represents certain sections only; that the methods of delegating superintendence and executive power to one or two officers is subversive of democracy and destructive to "the bulwarks of American liberty," etc., etc.

Whilst the testimony and experience of the best educators and the best governed schools have driven this matter beyond the

The Small Board Elected at Large	pale of discussion, it is but fair to set down a few reasons for departing from the old, large, ward-elected board to the body composed of a few men, chosen from the city as a whole.
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1. "The members of the school board should be representative of the whole population and all of their common educational interests, and should not be chosen to represent any ward, subdivision or territory. Large boards with district representation present the appearance of a legislature, with parliamentary procedure, floods of oratory, log-rolling, and interference with executive officers which eventually destroys their good intention. Civic matters of management and discipline, which could have been settled in five minutes by a superintendent have been fought out on the low plane of party politics and have too often been settled by party vote."

2. "A large board necessarily results in government by numerous committees. By no possibility can the whole board formulate a solid policy of administration."

3. District representation means ward politics. The voter with the best of intentions will care little for the election of even a good man when the latter's vote is but one out of fifteen or twenty, or, as was formerly the case in Philadelphia, one out of five hundred and forty-six. Selection at large will tend more and more to exclude "undesirable citizens" and where from five to ten men are to be chosen without reference to ward lines, it is easily seen that the school board, coming so close to the people as it does, will receive such attention from the voter as it never had before.

3a. "One of the chief objections to district or ward represen-

after the enthusiasm has grown cold, is a matter of speculation. There is certainly no magic in forms or charters, as Dr. Felix Adler so brilliantly pointed out at the New York meeting of the League. But in the first place, the education that the voter has received is bound in some particular to stick and, in the second place, I do believe that the new system furnishes the one all-important advantage which flows from the better focusing of the attention of the public on the dogma of the school board.

As I have stated, authority and experience seem to unite in declaring for the small board chosen from the city at large. The

**Method of
Selecting Board**

first question of detail is as to the manner of selection. There is a great variety of opinion on this point, ranging between election by the people and appointment by the governor of the state. In Philadelphia, the school board is appointed by the judges of the Court of Common Pleas, although in the opinion of the Philadelphia subcommittee, election by the people is preferred. In Baltimore, St. Paul, and some other cities, the mayor appoints the board of education, and the appointees are said to be in all cases satisfactory. In Indianapolis and St. Louis, they have a bi-partisan board. In the cities mentioned so far, the board of education has been efficient. In Louisville, where the school administration seems to be admitted even by the committee from Louisville to be the worst in the United States, the board is elected by districts, and by *viva voce* vote, though the ballots for every other office except that of school board is a secret ballot.

The conclusion of the committee seems to be in favor of the election of the board by the people. It may be asked, inasmuch

**Committee
Favors Election
by the People**

as the reformers of city government in general are fast moving to that method of administration known as the "federal system", whereby the mayor alone is elected and all heads of departments are appointed, why depart from this system in case of school control? Why not have the school board appointed by the mayor? True enough, there is something of a paradox in favoring the small school board with delegation of complete executive power to salaried officers, which is itself a recognition of the federal system, and in the same breath advocating a de-

parture from the federal system in not allowing the mayor to appoint as he appoints other administrative officers of government. But it is only a paradox, and not an inconsistency. There do seem to be cogent reasons why the school board should be elected and not appointed.

The theory upon which the federal system is based is that the more centralized the control and the fewer persons made responsible to the people for good results in government, the better focalized will be the central point to which the attention of the people will be called and thereby their interest retained. But of course even in the minds of those who favor the federal system, there are doubts as to the eventual outcome. We believe that experience will prove that the federal or commission plan is the best to advertise the merits or demerits of city government, but we know that accidents may happen. Even with the safeguard of the merit system, it may happen once in a while that owing to a possible lack in civic interest a thoroughly bad mayor will get himself elected. The election of such a man may result in the selection of heads of departments which will prove very destructive to the city. In the case of the schools, there is a special appeal to the voter's heart that is unlike any other civic emotion. In this matter it is not with him so much a question of reason as one of sentiment. It is a great thing to tie to—this desire of the ordinary American citizen to protect the children and to give them a good education. It is indeed an effective sphere to begin work in a city overpowered with corrupt politicians—for that very reason. Inasmuch therefore as there are possible evils attendant on this wide extent of power given to the mayor under the federal system for general municipal government, may we not say that in the case of the school board at least we can by popular election escape these evils and still gain our object of focusing public attention on the office by force of this popular sentiment? In other words, although the scheme of the federal system should obtain in the internal management of the schools, let us make the schools a department of government independent of the regular city system.

We now come to the question of the safeguards of such an election, a very important consideration. The freedom from

politics is the leitmotif running through the report. Of course

The Ballot the ballot should be secret and they propose to make it so even in Louisville if they can secure a legislature to consider a very excellent bill which has been proposed for Kentucky. In the next place, if possible, the political parties should be discouraged from entering into the lists for school director. In St. Louis, they have a very odd situation in this respect. When the new school law was adopted in that city—and by the way it has been said to be the model law on the subject—by a sort of general agreement each political party placed only one-half of the number of members to be elected in nomination, with the understanding that all were to be elected. In other words, you have there a bi-partisan board by consent of the political parties. There can be no question that the board in St. Louis has done wonderful work. But it may be the exception and not the rule. There ought to be a signpost on every road leading to better municipal government warning passers-by against the bi-partisan board. We have had them in Cincinnati—not school boards, but other boards. It is one of the best methods a politician can invoke to fasten his hold on the city. In bi-partisan boards, it is never long before the dominant political party secures control of the members of the opposing party. The minority are apt to maintain their outward allegiance to their party, thus securing the right to remain in the board, and thereby fooling the people. If this is not the case, even then there is bound to occur the division of the spoils between the two parties—resulting in all manner of trading, and sometimes in a complete dead-lock of the affairs of the board.

The ballot should be non-partisan, not bi-partisan. In Ohio, we are especially well favored in that particular. Whilst the school board is elected at the same time as other city officers, the ballot is a separate ballot without party designation of any kind. All candidates, whether nominated by the conventions, or by direct primary, or by petition, are placed upon the first ballot in alphabetical order. There is then run off another ballot with the first name last, and then another with the second name last, and so on. These forms of ballots are then blocked together, no two of them alike in succession. In this way the illiterate

in respect of tuition and in respect to housing and supplies, should be delegated to highly competent experts who should be well paid for the purpose. Once these employees are selected by the board, their activities within the scope of the outline as laid down for them, or perhaps on consultation with them, should be practically unhampered by the board itself excepting so far as their action requires the approval of the board. The St. Louis plan accomplishes this by having charter provisions relating to the duties and privileges of these various superintendents. The board is required to have a system of by-laws for their own government and a system of rules for the government of their under officers. The fact that these rules are inexorable so long as they remain unrepealed makes it impossible for the board to confer special favors or to deviate from their published and well-known policy for any special secret reasons. Furthermore, the superintendent during the term of his office is independent and is not likely to be removed for any but grave cause. The work of the board is divided practically into three parts—instruction, finance, and school accommodation. For each department, there is an officer selected by the board and yet in a sense independent of the board. For instance, in the matter of building new schools, the board provides the money and upon the recommendation of the business manager approves the plans. The active work of letting the contracts, selecting materials, etc., etc., is done by the business manager. Similarly, the board determines upon the number of teachers and the superintendent appoints the teachers with the approval of the board. The board can only reject, it cannot appoint.

The report says that the meetings of the St. Louis board, which are held once a month, showed an enormous amount of business transacted and transacted well.

Practically the same story comes from Cleveland where from 1892 to 1904 they had a similar system under a special law which was in vogue within that period. If the monumental progress in these two cities which the public schools have shown is traceable in any respect to the method of school administration, then the system is certainly a proved success. It is no doubt true that the success is not wholly due to school boards but also to the awak-

ening of public interest in the schools, but somehow or other the two seem to go hand in hand. Naturally the report highly recommends the St. Louis plan.

Nothing need be said to this audience about the necessity for the incorporation of a highly developed merit system and merit **Merit System** tenure into public school instruction. Some large boards have voluntarily adopted the merit system, notably the Cincinnati board, which has had remarkable success. To use the words of one of the best members of that board: "Woe betide him who lays a hand upon that system." The Cincinnati system is due to the enterprise and persistency of the superintendent of schools, who has been backed up for the last seven or eight years by a very considerable public interest. (Although in passing, it may be remarked that that interest has not been sufficient to overcome the politicians who still insist on the large school board elected by wards. But the end is not yet in Cincinnati.)

The report goes into some detail as to the question of compensation of members and the ideal number of members for the school board. There is only time to say that the committee concluded that the best small school board is one that serves without pay and that the ideal number of members is seven, with the tenure of office in case of each member of at least four years, no more than two or three of the membership to be selected in any one election.

All of the sub-committees reported some kind of an influence in their respective cities for educating the teachers and keeping **Improvement of Teachers** them up to a high degree of efficiency by courses of instruction in some kind of a teachers' college. Cincinnati is supplied with such a college under the auspices of the city's university, the funds being supplied by the board of education.

The committee strenuously insists on the integrity of the power in boards of education to levy their taxes without review or modification by other authority. In Ohio there is a law requiring the school board in cities to levy not less than six nor more than twelve mills on the dollar of the total tax valuation for school purposes. Whilst I can see certain objections to this unham-

pered power to levy taxes, still on the whole it is probably safe to make the school board independent in this respect for the chances of the schools being slighted by the political bosses if they are allowed a higher power to cut down the levy is far greater than the danger of the school board's levying an unconscionably high tax.

**Other
Requirements
Suggested by
the Committee**

In conclusion, the report makes what seems to me to be the strongest point. I have referred to it above. It is that no system of school control is very much better than any other school system unless every expedient is adopted to attract public sentiment and enlist public support. It is the crux of the whole matter and it is largely because the requirements which have been suggested do inevitably result in a better advertisement of the school needs and in a more effective manner of attracting public attention that they have been advocated. The Harvard Clubs' report sums up with eight conclusions:

CONCLUSIONS.

1. The small board.
2. Power vested in some superior court to dismiss members of the board for cause.
3. The limiting of the board itself to legislative and advisory functions and the leaving execution to trained officers.
4. The defining in the charter itself of the duties and privileges of these executive officers.
5. Dividing the board into three spheres—instruction, business, and school accommodation.
6. Merit System.
7. An unhampered tax levy.
8. Recommendations for civic, non-political organization in support of the schools.

I have tried in this paper to summarize the very able work of the Harvard Clubs' committee. A representative of that committee should have spoken here, not I. If I have unwittingly misrepresented the committee in some detail or if I have intermingled too much of my own, I hope it will be ascribed to the shortness of time that was given to me to prepare this paper.

Municipal Civics in Elementary and High Schools.*

**JAMES J. SHEPPARD, New York City,
Principal High School of Commerce.**

In an address at the dedication of an educational building at Albany a few days ago Governor Hughes said: "I want to refer to the importance in this day of giving our teachers and of having them communicate to their pupils the proper sense of the responsibility of citizenship in this country. It is not enough to have patriotic songs sung. It is a fine thing to have the flag flying and to have it continuously before the youthful mind as a symbol of this great independent nation, of the land of the free and the home of the brave. But as a distinguished man once said, it is a very doubtful advantage to generate emotion which has no practical use, and the emotions of patriotism ought to be stimulated with regard to certain important and practical ends. Study of civics, the knowledge of the actual operation of our government is most important".

In this statement the Governor puts the case admirably. Civics should be taught in the schools and it should be taught in a practical way. When your Committee made its investigations some half dozen years ago into the matter of instruction in municipal government in elementary and high schools it discovered two things: First a lamentable lack of proper instruction in the subject in the schools of the country and second, an earnest desire on the part of those in authority to remedy this lack. Advice and assistance were asked for by many who replied to our questionnaire. We were impressed with the importance of presenting something definite and concrete in the way of recommendations. It was easy enough of course to say that the subject should be taught in both elementary and high schools, that it

* Report at the Cincinnati Meeting (Nov. 16, 1909) of the National Municipal League by Chairman of the Committee on Instruction in Municipal Government in Elementary and High Schools.

what their servants in office have done or what claimants for their ballots propose to do. Heretofore the schools have been generally content to give instruction on matters of state and national government, with but scantiest reference to municipal affairs, in spite of the fact that municipal government is of most direct and vital importance to the citizen touching him in his daily life at every turn. If the schools could only establish firmly in the minds of the students just the one fact that party labels are of no importance in municipal matters, that honest and efficient administrators should be chosen regardless of party connection or endorsement that alone would be a tremendous gain. We have been going on the assumption that a knowledge of state and federal government will furnish enough insight into matters of administration to guide the voters in matters of municipal government. It would be far better if the choice were necessary to rely upon a proper knowledge and appreciation of municipal interests to guide the voter in the broader fields of government. The choice is of course not necessary. State and national government should still be studied but in a more rational way. Much the same method may well be employed as in the study of municipal government.

As has already been stated your Committee believes that instruction in municipal government should reach every pupil in the schools. That means that it should not be delayed in the elementary school till the last year of the course or in the high school until the senior year as is still generally the rule.

**Instruction
Should Begin
Early**

A large percentage of elementary school pupils drop out before they have completed even the seventh year of the course and a still larger percentage of high school enrollment is lost long before the graduation stage. The Committee believes that there should be continuous instruction in civics during the last four years of the elementary course, moving along in easy and progressive fashion from a very simple study of municipal house-keeping to a fairly comprehensive notion of the city's governmental activities. The course as outlined in the New York City program of studies for elementary schools has some admirable

was at present all that it ought to be. It is a new thing in the curriculum. Both its content and its proper presentation must be worked out by experiment. It can only be well handled by teachers with a keen love for the subject, a genuine appreciation of its value and some taste for first-hand investigation. Supervisory officers must give it cordial support and helpful direction.

For the immediate future we must look to the high schools, I think, to show the most marked development in the study of municipal activities. The conditions of teaching are more favorable and the teaching force better qualified to meet the problem. History and economics are both more generally taught and certainly much better taught than they were a decade ago, and it will not be difficult, I think, to interest instructors in these subjects in the new field of municipal government. Of prime importance is the place of the new study in the curriculum. The general custom hitherto has been to postpone all teaching of civics in secondary schools until the fourth year when American history is taken up. This is a serious error as it means no instruction whatever in the subject for the vast majority of high

High School Courses school students, a relatively small proportion of whom complete the full course. It should not be postponed till even the second year, but should be taken up at once by the student upon entrance into the high school as a serious and important study. Confessedly pupils of 14 or 15 are not well prepared to receive instruction in civics as it is generally taught as a scientific study of state and national government with a historical background. The latter may well continue to be a part of a well-rounded high school course, modified only by the inclusion of much more work on the municipal side and greatly improved by more rational methods of teaching. But your committee earnestly insists upon place being made in the very first year of the high school course for this new work. At present there is only one high school in New York which is doing this, but it is interesting to note that no less than three committees are now at work in that city upon plans for a program of study in this subject. And, moreover, two of these committees have been appointed by bodies of a public character who are asking and securing the co-opera-

tion of progressive teachers in the task of bringing about the desired change. It is a very reasonable hope that in a comparatively short time all the high schools in Greater New York will be giving the civics instruction so urgently needed to all the boys and girls who enter their doors. Once New York or any other important educational center shows the way, we may confidently expect the movement to spread rapidly. Judging from the numerous communications the Chairman of your Committee has received there is already widespread interest in the subject.

The time is therefore ripe apparently for us to offer definite recommendations on the make-up of a proper course of study in the new subject, whose value as a part of the curriculum will depend chiefly upon the manner in which it is presented. On the whole it is fortunate that a text-book is hardly possible except as a supplementary aid, for there is grave danger that a study of municipal activities based upon a text-book would take on too much of an academic character and interfere with or minimize the first-hand observation and investigation on the part of both pupil and teacher which are of primary importance in realizing the aims of the work. However there are some books with which the teacher should familiarize himself, among them such works as Baker's *Municipal Engineering and Sanitation*, Eaton's *The Government of Municipalities*, Fairlie's *Municipal Administration*, Wilcox's *The American City*, Zueblin's *American Municipal Progress*, and Shaw's excellent books. These are useful in a broad, general way. The teacher should make copious use of the city charter and reports of the various city departments, such as health, tenement house, parks, schools, etc. The pupil's chief reliance will be on the city charter apart from the teacher's instruction and his own observation and investigation.

The course might well be outlined in the following general way:

I. A brief consideration of the way in which government in general arises with a discussion of the rise of a village and its development into the city. The pupil will be led to note the extension of the co-operative idea from its simple manifestation in the primitive community to the comprehensive undertakings

of a modern metropolis. The relation of the city to the state will be made clear in this discussion and a proper understanding of what a city charter is be given.

II. Following immediately upon this brief introductory study which will take on added meaning as the course progresses should come a study of what may properly be considered the central element of city life—the street. Here we can appeal directly to the pupil's own experience and observation in a marked degree, and we are sure of his interest when the work is related so closely to his daily life. It is probably worth while to give a pretty full outline of the topics to be taken up in a study of the city street. The one which follows has been in successful use for several years in the High School of Commerce in New York, and naturally covers some points of slight importance in other cities.

THE STREET, THE CENTRAL ELEMENT OF CITY LIFE.

- (a) How streets are made.
- (b) To whom they belong.
- (c) Who pays for their improvement.
- (d) What they are used for and what they contain:
 - 1. Roadways for traffic. 2. Sidewalks. 3. Gutters. 4. Sewers. 5. Water pipes. 6. Telegraph, telephone and electric light wires. 7. Car tracks. 8. Subways. 9. Gas pipes. 10. Conduits.
 - A. Which of these belong to the City government?
 - B. Who controls each of these. (Exact officials as found in the city charter.)
 - C. How these public utilities came to be in the streets.
 - D. Franchises; what are they?

THE STREET.

- (a) The proper arrangement of streets.
- (b) The defects of the local system as compared with that of other cities.
- (c) Why our street system was laid out as it is.
- (d) The surface of the street.
 - 1. Paving.
 - a. The various kinds, comparative advantages and costs.
 - b. The importance of good paving to the business interests, as shown in transportation charges.
 - c. Why the surface of the streets is not better, and who suffers from it.

- (1) Poor paving at the beginning, and the reason for it.
 - (2) Constant tearing up of the streets and failure to replace property.
 - (3) Remedy for these evils.
 - A. The conduit or subway.
 1. Why we do not have it.
 2. Additional evils resulting from its absence.
 - a. Waste of gas.
 - b. Waste of water.
 - c. Difficulty of making repairs.
 - d. Injury to health and vegetation.
Poisonous gases.
Uncleanliness.
2. The cleaning of the streets.
 - a. Who has charge of it.
 - b. What it costs.
 - c. Why necessary.
 - d. How the department is run.
 - e. What is done with the refuse and what should be done.
 - f. Duties of the householder.
 - g. How we may keep the streets cleaner.
 - h. The sprinkling of the streets.
 1. By whom done.
 3. The regulation of traffic.
 - a. Who makes the regulations (ordinances, rules).
 - b. Who enforces them, such as the direction and speed of traffic.
 - c. The encumbering of sidewalks and streets.
 - d. The restriction of certain streets.
 - e. Remedies for the congestion of traffic, as tunnels, belt lines, etc., for freight.
 - f. The growth of business limited by traffic.
 4. Sidewalks.
 - a. Regulations as to laying, repairing.
 - b. Who has jurisdiction over them.
 - c. The stoop line.
 - d. Right of the citizens to demand good sidewalks.
 - e. Blocking the sidewalk.
 5. Gutters.
 - a. Whose business to keep clear of ice, snow or dirt.
 - b. Whose business to enforce the law and who makes the law.
 6. The sewer system.
 - a. How and by whom sewers are put in.

- b. Who pays for them.
- c. Who has charge of them.
- d. How connected with the houses.
- e. How the sewage is disposed of.
- f. What is done in other cities and what should be done here.
- g. The importance of a good sewer system to the health of the community.
- 7. The water supply.
 - a. Why the city and not the individual furnishes the supply of water in a great city.
 - b. Why the water supply conditions the growth of the city.
 - c. Where we obtain our present water supply and how it reaches us.
 - d. Who has charge of the water supply.
 - e. The total and per-capita supply of water in the city.
 - f. How water is paid for.
 - g. The danger of a water famine.
 - i. How it can be averted.
 - (a) Saving the water by the repairing of leaks, using metres, etc., salt water for fires and cleaning streets.
 - (b) New source of supply. The difficulties.
 - h. The advantages of city ownership over private company.
 - i. Cost of water supply.
- 8. Lighting the streets.
 - a. How is it done.
 - b. What it costs.
 - c. Who has charge of it.
 - d. Should it be done by city or private company.
 - e. The use of the streets for carrying pipes and wires.
 - f. Who controls this use.
 - g. The control over these companies by the city or state.
 - h. Ought the city furnish light to citizens for their private purposes.
 - i. How the furnishing of light and fuel differs from furnishing meat and groceries.
 - j. Who gives the right to place telegraph and telephone wires.
 - Why should they be underground.
 - (a) Appearance. (b) Light. (c) Fire.
- 9. Transportation by cars in the streets.
 - a. The giving of franchises, why?
 - b. What is paid for a franchise?

- c. Who has jurisdiction over street railways and to what extent?
- d. Should the city own them.
- e. Importance of street passenger transportation in the life of the city.
- f. What cheaper fares could do for the city.
- 10. The rights of citizens on the streets.
 - a. Laws and ordinances which secure these, as those against disorderly conduct, crowding, ball playing, excessive speeding and those regulating processions, banners, etc.
- 11. Licenses to use streets.
 - a. What businesses require to be licensed and why.
 - b. How licenses are secured.

III. Part III of the course takes up the matter of protection to life and property by the various departments of the city government as follows:

Protection to life and property by

- 1. The Police Department.
- 2. The Department of Education.
- 3. Fire Department.
- 4. The Courts and Department of Correction.
- 5. The Health Department.
- 6. The Tenement House Department.
- 7. The Bureau of Buildings.
- 8. The Park Department,
- 9. The Charities Department.

1. Police.

Policing the Streets.

The organization and management of the police department. The duties of policemen. The importance of an honest and efficient police department. Why this department is so often criticized. The evils of graft and why it exists. State or county control of Police. Should the head rise from the ranks. Should his position be permanent. The rights of citizens as against the police. How to make complaints. Serving warrants. The police control over traffic, street crowds, push carts, etc.

2. Education.

The educational law and why it exists. Why the city furnishes free education. The organization of the department of education. The method of appointment of officials and the

teaching force. The advantages of the system of appointments. Kinds of day schools. The total cost of education in the city. The cost per pupil in each class of schools. The cost in the high school. The cost of books and supplies. Is it worth while?

Special schools and colleges: Evening schools, corporate schools. The lecture system. The vacation playground. Aims and advantages of each. Why they exist. What they accomplish. The excellence and defects of our system of education as compared with that of other cities and counties. Supplementary Education.

1. The Natural History Museum.
2. The Botanical Gardens.
3. The Zoological Garden.
4. The Art Museum.

3. The Fire Department.

Protection against fire depends upon (1) the building laws, (2) the water supply, and (3) the efficiency of the fire department. How one becomes a fireman. The organization of the department.

- (a) The influence of the insurance companies.
- (b) The poor construction of buildings.
- (c) The esprit de corps. Salaries and pensions.

4. The Courts and the Department of Correction.

1. Civil Courts.

- A. Municipal Courts. Their jurisdiction, officers and districts.
- B. The City Court (county).
- C. The Supreme Court.

2. Criminal Courts.

Under the study of courts comes the work of the court officers and the processes connected with the trial. The term of the office, selection and salary of the various officials. The meaning of the various terms used. Probation system.

The Department of Correction.

Its management and duties. Prison labor. The indeterminate sentence system.

5. The Health Department.

(a) In relation to the ordinary resident. (b) In relation to the landlord. (c) In relation to the business man.

A study of the actual regulations of this department as found in the code, and a description of its activities together with comparison with the work done in other cities.

had a Board of Estimate and Apportionment in control of its finances for a decade, yet it remained for the recent three-cornered fight for the mayoralty with its resulting choice of a democratic mayor and a Fusion Board of Estimate to bring home to the average citizen what the professional politician had long understood, that this Board have really much more to do with the government of the city than the mayor, that in reality New York has a sort of government by commission.

V. We come finally in our study to a consideration of the citizen's part in the administration of municipal affairs. Topics such as the following should be taken up:

Becoming a citizen. Becoming a voter. Registration. Voting. Voting but a part. The party organization. The cause of good or bad government. How the citizen may govern the city through the party organization. Enrollment. The district captain. The district committee. The district leader. The general committee. The leader of the organization. How the leader reaches his place. Organization the key to success in politics. Candidates for office, how selected, formally, actually. Why the high school graduate should work through an organization for an honest business-like government.

The preceding part of the course will have failed of its purpose if it hasn't established in the pupil's mind certain elementary ideas and ideals concerning the purpose of government and a sense of the duty and responsibility which every citizen owes to the community in which he works and lives. He will be an intelligent reader of the numerous items in the daily press bearing upon the administration of city affairs, and he will know how as a voter he may take an active and effective part in that administration alike for his own best interests and that of the community.

The course outlined is not an artificial affair based upon pure theory. It has been successfully carried on in one high school for half a decade, winning the enthusiastic interest of first-year pupils as well as of the teachers charged with its conduct. It can be adapted to the high school of any community, and will fail of its purpose only if it is managed in a perfunctory fashion by instructors who have not a professional interest in their work,

or a high sense of their great responsibility and their great opportunity. It would be a splendid thing if we could require of all teachers in the public schools a knowledge of the governmental activities of the municipality they are called upon to serve, for surely they of all citizens ought to be familiar with the purpose and practice of government. There is continuing controversy over the educational value of this or that subject in the curriculum, but who is there to deny the vast importance of the right sort of civics instruction in the school.

The National Municipal League can render a signal service to public education and the cause of good citizenship in this country if it arouse an interest in this matter where it does not yet exist and encourage and assist school authorities anxious to give it proper recognition, but needing assistance in finding ways and means to make it an effective and permanent part of the public school curriculum. The situation at present is full of encouragement, and we may look forward confidently to a time not far distant when instruction in municipal civics will be firmly established as an important feature of all progressive school courses.

A Next Step Towards Better Civics Teaching.

MICHAEL M. DAVIS, Jr., Ph. D.,
Secretary of the People's Institute, New York.

We are assisted in this movement for educational reform by the setting-up of such goals and standards—bench-marks we may call them—as are expressed by the curriculum and courses of study outlined in Dr. Sheppard's paper. Before educational practice has reached the goal, later thought and experiment will have altered the standard in one way or another. What these alterations are to be, we may at this moment safely leave to the future. The immediate problem is the *method of working* towards the standard. This problem is one less of educational theory than of pedagogical politics. The way of progress is less through educational theorizing than through organization, publicity, and a practical campaign of education for the educators.

Making citizens—that is the aim of the teaching of civics. Do we steadily realize the implication of the trite statement? Such

Making Citizens

an aim implies an effect upon the pupil's will as well as intellect. It involves an impress upon character, a formation of ethical and social attitudes within the pupil rather than a mere instruction in certain subject-matters. Such an aim implies that the viewpoint from which civics is taught must not be historical. The history and the comparative development of local and national governments supply interesting and valuable material for illustrative purposes, and this material is of particular pedagogical usefulness for students approaching maturity. For any age and condition below that of the graduate student in college, historical material should be used primarily as matter for illustration. It is present-day government and its problems of which the immature pupil most needs to know, and in this teaching the viewpoint should be administrative rather than constitutional. Activity or function should be emphasized rather than structure or history. We

of the teaching need not be, and rarely can be more than the comprehension of certain key principles which underlie the organization of government and its working efficiency. These principles will lie in the immature mind without much abstract formulation. They will be visible, as it were, through a mist of concrete details, but, because they are visible, they will be continually gathering more details to themselves and will thus grow as the child grows. Unless we can so teach, we are mostly beating the air.

Present conditions in the schools are very far from realizing this ideal. The teacher is the key to the situation. We have

**Teacher,
the Key** not now a body of teachers sufficiently trained, nor even interested, to teach well the subject of government. It is hardly necessary to retrace oft-covered ground. We know that the traditions of the present school curriculum are unfavorable to civics. The college entrance examination recognizes the subject so little (rarely at all) that it is difficult to gain a respectable apportionment of time for the subject within a secondary school course. The elementary school situation is essentially the same. Furthermore, the usual connection of the subject with the teaching of American history eats into successful civics teaching at its heart. The excellent and full statement upon this point in the recent report of the American Political Science Association¹ makes enlargement upon this point unnecessary. / It may be emphasized, however, that there is no point more immediately important, either for the theory or the successful practice of civics teaching, than the clear recognition of what should be its right relation to the teacher of American history. Certain logical reasons are often advanced in behalf of the connection. The practical reason, which, as a rule, becomes the determining one, is that there are but a minute minority of teachers of secondary or elementary schools who are trained in civics; that a much larger number have studied and have prepared to teach American history, and that to satisfy the demand for some show of direct training for citizenship, the history teachers are called upon to give a little time to history's poor relation. The subject, which in the nature

¹ Published in the Proceedings of the Fifth Annual Meeting, 1908, pp. 219-257.

of its material, its problems, and its methods, comes closest to civics, is not history but economics, but it is only in the secondary schools, and in few of these, that economics is taught, so that there can rarely be found a teacher trained in this subject who might give a portion of his time to civics. /

A second practical reason for the present status of civics is the fact that it is mostly taught by women. Doubtless there is no inherent reason why women teachers of the subject may not be as effective as men, but for some time to come women will be generally much less effective. A third practical reason is the absence of any adequate helps to teachers in giving instruction in this difficult subject. Civics stands almost alone in the school curriculum in its difficulty. The subject-matter is complicated, controverted, and above all it changes. This is one of the chief reasons why there is no really acceptable text-book. The national government can be fairly well presented in a text-book, and the account can remain accurate for some time. But local government varies widely in different parts of the country, and even in the same state and city its details alter, oftentimes decidedly, within a few years. The result is that the chapters dealing with local government in the text-book cannot be concrete and definite, because they are not specially designed for use in any particular locality, and in the few large cities for which the writing of special text-books is commercially practicable, the government is so frequently changing that a text-book becomes quickly out of date on the very points upon which the pupil, as well as the teacher, should be informed. With our American governmental system, this difficulty is inherent. It cannot be remedied unless in preparing text-books we adopt a different viewpoint than the one which is usual. If the teacher is the key to the situation, the placing of the right kind of material in the teacher's hands is the key to the teacher.

Just because of the changeful and current character of our subject, the use of *current* material is essential. Not only are students interested and educated through following the course of civic affairs through which the teaching may be given a developing and dramatic interest; but only by the use of current information can teachers and pupils alike be kept abreast of the changes

in the structure and in the administration of their local government. The problem, however, of getting current material is a serious one for the average teacher. No other subject in the curriculum makes the same demand upon the teacher to keep abreast of a very large mass of scattered and evanescent material. Few teachers possess either the training or are allowed the time to attend to the collecting of such material systematically. To meet this need permanently, the teacher of civics must be allowed more leeway by his principal or school superintendent. It is well, however, to consider that the gathering of current material within a given city, and, in a measure, within a single state, can be largely centralized with great saving of labor. The weekly or monthly reviews, of general circulation, do not meet the need. The material must be gathered, and in a considerable degree, it must be adapted for the special purpose of use by the teacher. The newspaper article is, as a rule, too incomplete, is likely to be questionably accurate in details, and to have probable partisan bias. The specialist's article, in a magazine devoted to civic or economic studies, is likely to be too technical and detailed for use by many teachers and by most pupils. Preparation of the material *ad hoc* is necessary. There is a definite present need and there is a permanent pedagogical place for a current periodical written especially for the purpose of supplying this material. Such a periodical might have a local and a state-wide circulation. There are a few papers now in the field, but, in almost every case, they are neither sufficiently local nor well enough edited to meet the need at all adequately. Newspaper clippings have been used by a number of teachers in an endeavor to deal effectively with this problem of current matter. When carefully managed, with recognition of the usual character of newspaper articles as they are likely to be interpreted by pupils, the use of such clippings is valuable. It supplements, but does not take the place of current material specially prepared, and consecutively ordered.

The preparation and utilization of such a localized current organ is one advance which the future should hold. A more immediate step, perhaps the next step, towards the improvement of the situation lies in preparation of the right kind of help for the

teacher. Various proposals are in the air, and more or less on paper, looking towards the preparation of text-books or syllabi. The proposition which I would advance is that a next step forward is the preparation of a syllabus for civics teachers rather than a text-book for pupils, and that this syllabus should be worked out along certain lines.

The syllabus should precede the text-book, because until we have civics teachers with more view of their subject, more interest and more thought as to the purposes and methods of its teaching, we are running serious risks in placing in their hands a text-book however good. This, of course, applies particularly to the teaching of municipal and state government, but is not without application to the national.

A syllabus for civics teachers should not be a syllabus of the subject of civics. It should be rather an outline of ways and methods of teaching it, and should present, or rather suggest, subject-matter subordinated to this intent. It should be a booklet for the education of the teacher. Now, the most serious lack in the civic education of the average teacher is admittedly not knowledge of the formal constitutional structure of national and even of local government, but the absence of a fundamental education in the basal principles and critical problems underlying the structure and functioning of government itself. No man or woman without at least an elementary training in economics and some direct study of a few typical political principles and problems can possibly teach civics intelligently.

Recognizing this lack, a syllabus for civics teachers should begin, and should be about half devoted to the presentation of five or six fundamental principles and problems. In dealing with

Contents of Syllabus such a laboratory subject as biology, where, even more than in civics, the amount of concrete detail is overwhelming, teachers have found the fruitful method to be that of types, i. e., to begin by illustrating the fundamental principles, which they need to follow out in a systematic treatment of the subject, through concrete study of a few typical biological forms. We wish the civics teacher to grasp certain key principles, to understand the range of a few

critical problems. For example, the position of the American city in relation to the state; the distinction between the policy-making and the administering functions, and thus the nature of administrative work; the political party as an extra-constitutional but legal factor in actual government; the financing of government, including the basal principles of taxation and the essentials of budget-making; the population problem of the city viewed especially in relation to distribution and segregation of races and industries; the economic and political problem of municipal public services: here are six principles and problems without knowledge of which no instruction of government can be really fruitful. A syllabus of the sort proposed should begin with a brief study of each of these problems, making this study through the use of concrete material upon which comments and questions are made in order to elucidate it. This material will serve directly for the teacher's education; it will also be of use to the teacher in part of the class instruction, and it is precisely upon such points as these that the text-books now in hand usually fail.

This portion of the syllabus would be followed by a succinct statement endeavoring to place these principles in perspective and indicating the general nature of a course in civics. It would not be proposed that with young children a beginning should be made in the class work with these difficult principles and problems. But unless that beginning is in the teacher's mind, the descriptive studies of municipal or national administration cannot lead whither they should. The remainder of the syllabus would be an outline of topics, suggestions of methods of presentation, questions for use by the teacher, and references to literature.

As to the topics, it is not desirable to have the syllabus enter into a detailed review of local government and administration. No syllabus published for use over a wide area can do this and be concrete with reference to any one locality. It is precisely this sort of general information which text-books have contained in reference to local government that has served for many teachers as a substitute for the labor of informing themselves upon the particular facts of the government of their own city and state. The topical headings of the desirable syllabus may go with

movements in other localities. There exists to-day in many parts of the country an awakening interest in citizenship training, and a growth of organizations and committees to study and deal with the subject has already appeared. As these movements develop, their mutual information concerning one another, their correlation with one another, will become of increasing importance, and this can best be brought about by co-operation upon some specific piece of work in which a common interest necessarily exists.

There is an interesting analogy, less than a generation old, to the pedagogical situation in which we find civics to-day. Physical and chemical science has but recently made its way into our academic curricula. Its introduction, enforced though it was by an economic pressure which has not yet appeared behind civics, was slow, difficult, and is by no means as yet fully achieved. The United States Bureau of Education in 1884 published the results of a careful, country-wide study of the teaching of science in the schools. The movement to introduce science was at that time not new. There was lip service to the need of teaching the subject, but the place practically given it did not follow in proportion. In the curricula we find the short course sandwiched amid other subjects, the "Fourteen Weeks in Chemistry," the lack of laboratory work, the teaching by textbook and by rote, and the inadequately prepared teachers, trained primarily in mathematics, a subject which seems to have borne the relation to physics and chemistry that history bears to civics to-day. The movement to change all this, to introduce courses of an adequate number of teaching periods in proper place in the curriculum, to require trained instructors and teaching methods of proved efficiency: this has been achieved, not yet fully, but the progress made has been the result of a long campaign involving study and preparation, experiment, publicity and organization. In dealing with civics, we have a pedagogical problem even more difficult, the only point in which civics has the advantage being that the expensive laboratory equipment demanded by science is not required here. The vitality and urgency of the demand for adequate citizenship training goes for us without saying, and the more general recognition of this de-

mand is a matter of certainty. Our social and economic problems of city and country are sharpening themselves, and the belief that our developing citizenship cannot be left to drift must soon be more wide and more thorough-going. We have not yet worked out a satisfactory solution to the problem of giving citizenship training, for where local success is found, it too often appears to depend upon personality and the individual interest of a few. The teacher, to repeat, is the key to the situation, and the education and assistance of the teaching force is the next step, not only towards better immediate results in instruction, but in the creation of the educational method and tradition necessary to give to our subject, in institutions of learning, the place commensurate with its importance to the social welfare.

A Rapid Transit Policy for Greater New York.

DR. MILO R. MALTBIE, NEW YORK,

Member of Public Service Commission.

The movement for an adequate system of rapid transit in New York City originated so far distant in the past that no definite date can be fixed. The first legislative investigation was made nearly fifty years ago, and the first rapid transit commission was appointed in 1875. Practically nothing was accomplished towards the building of lines for the next 20 years, or until the creation of the Rapid Transit Commission by the act of 1894.

This commission—the predecessor of the present Public Service Commission—encountered the same difficulties which had blocked the efforts of previous commissions. Existing transportation companies have always opposed, more or less strenuously, the efforts to secure construction of new lines with public or private funds. It was only after it was definitely decided in 1894 to use municipal funds to construct a subway that any definite progress was made. Even then the cry that the city was in such a wretched financial condition that it could not afford to issue bonds for the construction of a subway was raised. The constitutional debt limit was said to be in the way, “unfortunately”. The courts were persuaded to disapprove the route proposed by the Rapid Transit Commission upon these grounds, causing a delay of two years. Then the corporation counsel withheld his opinion upon the form of contract for nearly a year and a half. The mayor opposed the plan, declaring that no solution of the rapid transit problem could be worked out through the use of the city’s credit and urging that the needed relief must be obtained by the extension of the existing facilities—the elevated roads.

The Rapid Transit Commission then went to the legislature and urged that it be allowed to grant franchises to private companies in perpetuity. This proposal met with such a storm of

authorized since January 1, 1904, amounting to \$147,000,000, and of this amount less than \$3,400,000 went for rapid transit, or less than 3 per cent. Who that is familiar with traffic conditions in New York City is bold enough to uphold such a distribution of municipal expenditures as wise, proper or just? But whatever may have been the ethics or the wisdom of such large expenditures for everything *but rapid transit*, the fact remains that the city was again forced into the position where the debt-limit cry was effectually raised and where further construction was blocked for a time. The embargo was raised only a few days ago, just before election.

The basic law relating to rapid transit was for many years an act passed in 1891, which created a board of rapid transit railroad commissioners. The act was general in form but was intended to apply only to New York City. Five persons were named therein, who with the mayor, the comptroller and the president of the Chamber of Commerce were to administer the law. This board was to fill vacancies in its own membership and until 1906 was one of the few instances in the whole United States of a co-optated body. The growing dissatisfaction with this plan came to a focus in 1906 when the mayor was given power to fill vacancies, but a year later the entire commission was abolished and its powers transferred to the public service commission for the first district appointed by Governor Hughes.

The Act of 1891 was amended nearly every year after its adoption. Originally, it conferred very broad powers upon the rapid transit board, but during the first half of the present decade, these powers were greatly reduced, hedged about and restricted. Many believed that too little discretion remained, but the public generally seemed reluctant to remove the barriers. Successive amendments had made portions of the law obsolete. In other parts, it was so confused, involved and verbose that the average citizen could hardly understand it. In the attempt to escape from the long-term franchise or contract, a very short period with rigorous limitations had been adopted. Yet in many ways, the interests of the city were not amply protected, and the law cannot be said to have represented a clear, harmonious, progressive policy.

so restrictive that private companies would not accept the terms. Others were equally positive that it was not only reasonable but necessary to protect the welfare of the city. As yet it has not been tried, but the short-term franchise or lease has so many objectionable features from the standpoint of the public and the company that the commission undertook to work out a plan which would not only give better control and protection to the city, but also be fairer to the operator, provided he gave good service at reasonable rates and respected the city's interests.

The plan finally perfected was based upon the indeterminate idea. Under all future franchises or operating contracts under this plan, the city will have the right to terminate the grant or contract at any time after ten years and to take over whatever the company may have provided in the way of road or equipment upon paying an amount to be provided for in the contract, which shall not exceed the investment made by the company plus 15 per cent., and which amount shall decrease from year to year as the grant continues, until finally all the property in the street shall revert to the city free and clear without payment upon some date fixed in the grant. The date at which such reversion shall take place is to be fixed at the earliest time within which the investment made by the company in the road can be amortized out of earnings. In no case is any payment to be made to the company for the franchise or for the termination of the lease or the contract. If any rapid transit line is thus taken over, the city may operate the line itself or lease it to another company or transfer it directly from the old company to the new company. In other words, the hands of the city shall be untied and left free to minister to the needs of the community as conditions from time to time demand.

The important points to be noted are the short minimum period (not more than 10 years), the limitation of the amount to be paid (cost plus 15 per cent.), the diminution of the amount as time runs on, the fact that equipment will be paid for according to its then value, and the fact that the more profitable roads will revert to the city in a shorter time than the less profitable ones. The principal reason for differentiating equipment from roadway is that the former would doubtless be allowed to de-

of profits above a certain fixed minimum between the operating company and the city. Under the old law, an operator might make 6, 8, 10, 15 or 20 per cent. profit, and the city would receive no more in the last than in the first case. It was also true that if the rental was too small there was no way by which the city would receive a share of the unexpected profits. Yet it is practically impossible to determine in advance what the profits will be and to fix a rental which will be adequate from the viewpoint of the city and still fair to the operating company. Further, it is usually true that the profits vary from year to year and are normally much larger during the later years than at the beginning.

Attempting to meet these various conditions and difficulties, the commission worked out a profit-sharing plan. It provides that there will be deducted from income all operating expenses, taxes, payments to reserve and amortization funds and a return upon the investment not to exceed in any case 6 per cent. The remainder is to be divided equally between the company and the city. In other words, if the company were to make 9 per cent. in any one year after paying all charges except interest and dividends, and if the agreement fixed 5 per cent. as the point at which a sharing of profits should begin, the city would get 2 per cent, and the company 5 per cent, plus 2 per cent., the latter as an extra divided to its stockholders. If only 7 per cent. were earned, the city would get 1 per cent, and the company 1 per cent., or 6 per cent. in all.

The theory upon which this plan is based is that the city, by permitting a company to lease its property or to use its streets, has become a partner in the enterprise, and that as such it ought to have a share of the profits above a fair return to capital. Further, when the city and the company are partners and share profits, each is more likely to consider the rights and interests of the other.

Special attention should be called to the use which may be made of the profits thus accruing to the city. It has been customary to turn over to the general city treasury all such receipts from public utilities. As a result the users of such services as water, gas, electricity and transportation have paid an indirect

to municipal ownership of all lines until another referendum authorized private ownership, is a question which has been much discussed. It has been generally admitted, however, that no franchise should be or could be granted until amendment of the law was secured.

In view of the imperative need of more rapid transit and of the various safeguards thrown about the grant, the commission believed that the public was ready to entrust to it the power to grant a franchise to a private company. The proposed amendment to the law provided for the restoration of that power, and it met with practically no opposition. The commission may proceed, therefore, either to construct and equip with public funds or to allow a company to do so, subject to the limitations already enumerated. Under certain conditions the city may operate also, but the statute contemplates private operation as a general rule and municipal operation as the exception.

The most novel feature of the whole scheme is the construction of lines from funds raised by assessment of cost in part or in whole, upon the property benefited. It has been stated that the increase in land values in northern Manhattan and the Bronx, due to the construction of the present subway, would not only have built the entire line but would have equipped it, provided rolling stock, built power-houses and paid every other capital expense, and left a margin. Is it not fair and just that the property directly benefited by the construction of a rapid transit line should bear at least a part of the cost of constructing that line? The principle has been applied to a multitude of public improvements, such as sewers, streets, parks, water-works and paving. Why should it not be applied to an improvement which more immediately and directly benefits property than any one of those just named? An increase in transportation facilities inevitably increases the value of real estate and brings population. This is not necessarily true of streets, sewers, parks or paving. It is true that without them people can not live, but no matter how elaborate the system of streets, sewers, parks, etc., may be, they will amount to little unless there are transportation facilities. Not infrequently officials of transportation companies have

**Construction of
Lines by Special
Assessment**

tends beyond the business center of that borough. The line was built from the proceeds of the city bonds without any assessment, and the operating company is paying the interest upon these bonds and a sinking fund of one per cent., sufficient to retire the bonds in about fifty years. Now the residents of northern Manhattan and the Bronx who ride the entire length of the island are carried at a loss normally. But this loss is more than offset by the profit made from carrying those who ride only a short distance in lower Manhattan. Eliminating the traffic to and from Brooklyn, which is not only self-supporting but very profitable, this means that all of the profitable business in the heart of Manhattan is used for the benefit of two narrow areas. The property owners in these districts have seen their land increase enormously in value without an expenditure of one dollar upon their part. They have been given rapid transit for a five-cent fare from the Bronx to lower Manhattan and Brooklyn. But because there is not a sufficient amount of short-distance riding in Manhattan to carry long lines in Brooklyn and the Bronx, Brooklyn has been deprived and the Bronx has been blessed abundantly.

Let us suppose that a part of the cost of the northerly branches had been paid for by special assessment. In the first place, the landowners would still have reaped a handsome profit. Secondly, the Bronx would have had a five-cent fare as it has now. But as there would be no interest and sinking fund to pay upon the amount raised by special assessment, the operating company could extend the zone of five-cent fares further into Brooklyn or further into the Bronx if the latter were thought to be desirable. The only other way it can be done, is to rent rapid transit lines at less than interest and sinking fund, raising the deficit by taxation. But who would attempt to justify the taxation of the city at large when the result would be that landowners in certain limited area would reap a large, unearned increment therefrom?

Much more might be said regarding construction by special assessment, its numerous advantages, the various precedents and the beneficial results to the city socially and financially; but the time and space allotted me will not suffice.

Reference has been made to the part which the provision in the

state constitution limiting the city debt has played in connection with rapid transit plans. It was felt that it ought not to be allowed to continue to prevent the construction from public funds of lines which are self-supporting. Thus for two years, the commission has advocated an amendment which will exempt from the constitutional limitation upon the borrowing capacity of New York City, all bonds issued for rapid transit lines which are self-sustaining. Debts incurred for such purposes are not burdens upon the taxpayers, and there is no reason why the city should not be allowed to acquire revenue-producing property. Further, unless the city has the financial ability to build and equip its own lines, it is not in position to make a fair bargain with private companies. The city would be forced to accept what corporations may offer or do without the needed relief from present intolerable conditions. The city ought not to be limited to such alternatives. This view has just been endorsed by the people of the state at the last election, and the amendment will become effective when the legislature passes an act creating the machinery for determining when an enterprise is self-sustaining.

I have attempted to outline briefly only the most characteristic features of the rapid transit law. A few other provisions may be summarized without discussion. Previously to the enactment by the legislature of our proposed amendments, the commission could not lease a rapid transit line for less than interest upon the bonds issued by the city for construction and equipment and a sinking-fund payment. If no one would pay such a rental, the commission had to operate the line. Now, there is no minimum rental; it may be much less than interest if it is thought necessary or desirable. The privilege of municipal operation remains as another alternative.

In the case of additional tracks on elevated roads and of extensions constructed by a company with its own funds, it was recognized that certain modifications must be made because of the peculiar conditions. In these cases, the system of profit sharing might not work, as it might not be possible to differentiate the receipts from the additional tracks or extensions from the re-

ceipts on the old lines. Consequently, the commission may fix a different compensation for a period not to exceed 25 years, and it is to be readjusted every 20 years thereafter. For similar reasons, the duration of the franchise may not exceed that for the existing line, so that all may terminate together.

No contract, franchise or grant may be let until bids have been invited by public advertisement, except in the few cases where only one party would bid if bids were invited. Everything has been done to open up the field and to increase the opportunity for competition where competition is possible. No important action may be taken hastily. Usually public hearings must be held. The approval of the Board of Estimate and Apportionment—the financial body of the city—must be secured upon all important matters.

The Street Railway Situation in Cleveland.

(November 15, 1909.)

WARREN S. HAYDEN, CLEVELAND.

In 1901 the Cleveland Electric Railway Company was paying dividends of one per cent. quarterly. Its bonds were selling at a $4\frac{3}{8}$ per cent. interest basis. The market price of its stock was $81\frac{1}{2}$. Regular dividends ceased in 1907, and none are paid now. There are no bids for the bonds and the stock that sold at $81\frac{1}{2}$ is quoted now at 48. The property is operated by a receiver appointed by Hon. Robert W. Tayler, Judge of the United States District Court. Here is a fall, whether of the wrong-doer come to justice, or of the victim of malicious attack. In either case this decline from prosperity to adversity is wholly due to Tom L. Johnson, who was elected mayor of Cleveland in April, 1901, and has held that office ever since. About this there is no dispute.

The railway company's position was weak in that many of its franchises were soon to expire. The mayor rallied popular support with his slogan of "three-cent fare and universal transfers", and against the company he adopted the effective policy of granting to others rights on routes where the company's franchises were expiring. The railway company was against the wall of expiring franchises, and upon the company the mayor plied the club of a low fare competitor ready to succeed to its business. There is no room for controversy about the fact of the mayor's policy. Concerning the wisdom and justice of that policy there are great differences of opinion. Opinions differ also as to the motives for that policy. The record clearly shows that he sought control of the street railway system, but on the one side it is held that he sought control for the city, and on the other that he desired control for his personal advantage. He who inclines to either view can find color in the facts.

The Forest City Railway Company was one of the low-fare competitors procured by the mayor. Under three-cent franchises,

this company built sixteen miles of railway. Its property was leased at six per cent. dividend-rental to the Municipal Traction Company, which was a leasing or holding company. The entire \$10,000 of capital stock of the holding company was issued

**Forest City
Railway** to the mayor's appointees who were the company's directors. The stock certificates were all endorsed in blank and held by the board as a whole, so that the board would be self-perpetuating. The stated purpose was that the holding company, without profit to itself and solely in the public interest, operate the lines held under lease, thus coming as near to municipal operation as the law allowed. The Forest City lines were being operated by the holding company in November, 1907, when the mayor achieved his great victory over Hon. Theodore E. Burton.

After election the situation, of course, was very favorable from the administration standpoint for making terms with the railway company. Early in December the mayor and F. H. Goff, plenipotentiaries, respectively, for the city and the railway company, began a series of almost daily public conferences, which in the course of about five months resulted in agreement. The railway company, changed in name to the Cleveland Railway Company, was to adjust suitably its stock issue and substitute fifty-five shares of its stock for each one hundred shares of Cleveland Electric Railway stock and acquire the property of the Forest

**Johnson-Goff
Settlements** City Railway Company by an exchange of stocks, share for share. The railway company was to lease to the holding company all its property at six per cent. dividend-rental for fifty years with privilege of another like term. A twenty-five year franchise was to be granted to the Cleveland Railway Company, authorizing a cash fare of five cents and a ticket rate of six for a quarter. This was to enable the railway company to operate its property at a profit in the event that the holding company defaulted the lease. The intent, of course, was that the holding company test the practicability of operating the street railways of Cleveland at three-cent fare. The arrangement became effective on the 28th day of April, 1908—a day at the time styled “municipal day,” and celebrated by free car service throughout the city.

and this may be provided alternatively by renewal of franchise or sale of the property at the expiration of the franchise. The

The Tayler Plan city should have opportunity to make better terms, if it can do so, and this may be provided by reserving to the city the rights to buy the property and to nominate a purchaser therefor.

Complete and effective supervision by the city is essential. The sum of it all is in that the community never pays more than cost for the service rendered; that the owners of the property never by any device get more than 6 per cent. on the agreed amount of their investment; and that the community will at all times know just how the property is being operated and have the power to correct any abuse either of management or of service.

The mayor expressed approval of the Tayler plan and with the acquiescence of the city council a committee took up the work of embodying the plan in an ordinance. The members of this committee were Judge Tayler, the Mayor, City Solicitor Baker, John G. White, Esq., of counsel to the railway company, and D. C. Westenhaver, Esq., of counsel to the low-fare companies. The conferences of this committee extended over a period of about sixty days, terminating March 15, 1909. Throughout these conferences the mayor contended for the largest degree of supervision and control by the city. He desired that the lines be operated by a holding company of the type of the Municipal Traction Company. Meeting determined opposition, he stood fast for a right on the part of the city to name a purchaser at any time after not more than two years from the beginning of the franchise. The committee failed to agree and on March 15th the mayor reported to the council that not one line of an ordinance had been written.

At this time the railway company held sixteen miles of track acquired from the Forest City Railway Company, and the receivers were operating this mileage at three-cent fare, inasmuch as the administration sixty days before had not permitted an increase of fares on these lines. The railway company was occupying some routes, the franchises for which had expired years before. Toward the end of February, 1909, Judge Knappen decided against the railway company in holding as he did that the franchises for the Woodland Avenue and West Side

lines had expired in 1908. Evidently it would be possible to give three-cent franchises to new grantees for routes then occupied by lines, the old franchises for which had expired. If that were done, and the lines operated by the new grantees, three-cent fare would be in effect on about one-third of the street railway mileage of the city system. It was Judge Knappen's decision that opened this prospect, and with this prospect before him the mayor made to the council his report of March 15, 1909.

In addition to reporting the failure of the committee to agree upon an ordinance, the mayor announced that thenceforth settlement negotiations would be carried on in open council, and he advised that, in case negotiations did not result in a settlement within sixty days, the council be prepared for competitive bidding for franchises on routes where old franchises would soon expire.

Councilmanic He is quoted as saying on this occasion—"We
Negotiations never have got in the past, and I don't think we
 will ever get in the future, any concession or
any settlement in the interest of the public that isn't brought
about by fear of something worse happening to them if they don't
settle." At the same meeting Herman Schmidt applied for
franchises on thirteen routes then occupied by railway lines.
Obviously, the mayor had arranged to have his bidder ready if
no agreement with the railway company was reached within sixty
days. At this meeting Judge Tayler vainly pleaded that the non-
vital details which had blocked the settlement be put aside and
an early settlement made. Within a few days the city solicitor
presented the Baker ordinance as a Tayler plan instrument.

Almost daily for two months the council, in committee of the whole with the mayor as chairman, held open meetings at which the differences between the administration and the railway company were considered. The form of consideration was debate upon provisions of the Baker ordinance. Except for a moment just before the close, these negotiations never gave promise of peace. They merely emphasized the points in controversy, the chief of which were still the character and extent of public supervision, the date after which the city might name a buyer of the property, and the initial and maximum rates of fare.

Within a fortnight of the beginning of the sessions the council

asked Superintendent Bemis of the water-works department to report the value of the street railroad, and he found the stock to represent a value of about five and three-quarters millions instead of about twelve and three-quarters millions, as had been agreed to by the administration at the time of the Goff-Johnson adjustment one year before. While these figures were being made, the council established thirteen street railway routes, looking toward the competitive bidding of which both the mayor and Herman Schmidt had said something in March. The administration treated as accurate the relatively low valuation of the railroad made by the superintendent of water-works. It also proceeded diligently with the project of having bids submitted for franchises, and at just about the expiration of the period assigned for settlement negotiations Herman Schmidt made his bid for a three-cent franchise on Payne Avenue. Thereupon the railway company, doubtless fearing a worse alternative, offered to accept any franchise ordinance drawn by Judge Tayler.

The public utterances of Judge Tayler had made plain his view as to the provisions which should be in a franchise ordinance, and there was no doubt about the essential terms of the settlement which would result if the administration accepted the railway company's proposal. Various public bodies, among them the Cleveland Chamber of Commerce, all the daily newspapers and well-known citizens urged immediate settlement under an ordinance to be drawn by Judge Tayler. These influences had momentary effect upon the council, but the administration adhered to its position that it should not be precommitted to the enactment of an ordinance drawn by Judge Tayler. On June 8th the Payne Avenue franchise was granted to Herman Schmidt, and shortly afterward extension franchises on other routes were given to the same grantee. A petition, originating with the Cleveland Chamber of Commerce, invoked the referendum, and on August 3rd, after an exciting campaign, the people voted down the franchise by a majority of 3,773.

Immediately after the defeat of the Schmidt grant, the council voted to renew the peace negotiations broken off in June. This time the altercations of the administration and the railway com-

pany were in writing. The series of letters had the effect of pleadings in defining the matters at issue. The Baker ordinance which had been discussed in the spring afforded the starting-point. A great number of points of objection to the ordinance were quickly disposed of, and at the end of a fortnight there remained in controversy six points which included all those which had divided the parties in their previous Tayler plan negotiations. It should be remembered that the municipal election was to take place on November 2d, and that the mayor and many councilmen were seeking re-election. It should also be remembered that the election of August 3rd had indicated that the people wanted an early Tayler plan settlement. If no settlement were made by November 2d, it would then go hard with that party to the peace negotiations upon whom lay responsibility for the failure to agree. The letters of both city and railway company showed the effect of these considerations. After the completion of negotiations about sixty days at a minimum would be required for arbitration of values, passage, publication and acceptance of the ordinance, and the popular referendum vote.

Thus, until about September 1st, the apparent policy of the railway company was to agree quickly, but when it was no longer possible to refer the ordinance to the people by November 2d the company's interest only required the actual or potential resolving of the issues while the mayor was yet uncertain of re-election. For the administration it was good politics to have people believe during the campaign that the controversy was virtually ended, and that the mayor was the peacemaker. It was not surprising, therefore, that something like agreement was reached about October 1st. At that date it was too late for a referendum until after the general election. The mayor was in position to say that he had done his part toward peace and the rest lay with Judge Tayler and afterward with the people on referendum day. The other side could say that the referendum was essential to assure settlement and warn people against re-electing the mayor while settlement lacked anything of completeness. Under the agreement reached about October 1st the railway company was to seek readjustment of its contracts with one suburb and with the interurban railways; the invalidity pro-

visions were to be drafted by a named commission of lawyers; the city was to be allowed to name a purchaser of the property after eight years and the valuation of the property and the maximum rate of fare were to be found and fixed by Judge Tayler. He promptly accepted the duty offered to him, stipulating, however, that before he took up the case the ordinance must be absolutely complete except for matters left to his determination. In the end he was requested to find the value of the property, fix the maximum rate of fare and draft the section relating to interurban railways. On October 18th Judge Tayler began to hear testimony as to the value of the property.

Evidence is still being offered and it is impossible to say when Judge Tayler will have the ordinance ready for enactment. Since the recent defeat of the mayor and the election of a Republican council, there is no doubt that the ordinance when ready will be passed by the council and thereafter approved by the electors. Most of the provisions of the ordinance have been determined, and a very general summary can be presented here.

The ordinance grants to the Cleveland Railway Company a twenty-five-year franchise with rates of fare such as will return
The Recent Settlement six per cent. and no more on capital represented by stock, but the rate is limited to a maximum which probably will be four cents cash fare, seven tickets for a quarter and one cent for a transfer without rebate. A maximum allowance in cents per car mile is made for operating expenses. The grantee is permitted to charge the maximum fare whenever the unexpired term of the franchise is less than fifteen years, but the city may terminate this privilege by an ordinance renewing the franchise. If the franchise expires and is not renewed, the new grantee will have the right and the obligation to buy the railroad at a price fixed by arbitration. The city, when it has the power and will—and the city's nominee, after January 19, 1918—may buy the railroad at its book value plus ten per cent. of the value represented by stock. The grantee's accounts must be in stated form and kept open for examination. The city has entire control of service and may appoint a commissioner to serve at the grantee's cost as the technical advisor of the council. Invalidity of part of the ordinance does not invalidate the whole. An invalid part will be replaced according to methods described in the ordinance. To end present disputes in and out of court all the companies claiming

interests in street railways in Cleveland are brought in as parties to a general settlement.

Elected to his office four times upon the street railway issue, the mayor has been defeated twice at referendum elections upon street railway franchises and since has failed of re-election. The reason for that first defeat of October 22, 1908, is now the subject of inquiry. Sixteen miles of railway were being operated by the holding company in 1907 when the mayor won his greatest victory. Between then and October, 1908, came the period of operation of all the railways by the holding company. In 1907 people were familiar with the holding company *idea*. In 1908 people were familiar with holding company *practice*. Soon after the holding company gained control of all the lines, the service was changed in various ways. Cars were less frequent; car routes were rearranged; a few lines were abandoned. For a short time no transfers were issued, and when again allowed, a transfer charge of one cent was made. Although the

**Mayor Johnson
and the
Referenda**

city cash fare was three cents, a passenger crossing the city line paid five cents for his journey. All these were changes, and if only because they were changes, people felt inconvenienced and irritated. Moreover, since the changes were in the direction of economy, they aroused suspicion that the management doubted the adequacy of three-cent fare and even that the holding company was running behind. Irritated and suspicious minds were hospitable to facts injurious to the mayor and his administration.

It had been promised that the books of the mayor's Forest City Railway Company would be open to the public, yet it required an order of court to open those books. In its lease the holding company agreed to perform all contracts of the Cleveland Electric Railway Company covered by the lease. The holding company did not perform the contract which the railway company had made with its employees through their union. This caused the strike. In a campaign bulletin issued by the mayor in 1907 it was represented that "the low-fare company is asking dividends on \$50,000 a mile; on actual cost." Six months later the lines of that same low-fare company were sold by the mayor to the Cleveland Railway Company for \$112,000 a mile, and six per

cent. was to be paid on that sum. The same bulletin of 1907 contained this: "There will be no extra fare at the city limits. Some of the suburbs have contracts with the Cleveland Electric which provide that they shall have the same rate of fare as Cleveland. In all such cases three-cent fare will be the rate immediately." In 1908 the mayor's holding company charged the suburban passenger five cents and the city passenger but three cents, irrespective of contracts between suburbs and the Cleveland Electric Railway Company.

These matters are recalled because they had their effect in the campaign and are, therefore, part of the explanation of the mayor's defeat when the security grant went down in 1908. In the last analysis the grant failed because the holding company did not succeed, and this is true even if there is room to think that the holding company might have done better in a longer test.

The voting down of the Schmidt grant in August, 1909, was the mayor's second defeat. In this fight he was embarrassed by developments which followed the failure of his holding company. The Depositors' Savings and Trust Company was a banking institution organized by the mayor in 1906 when the Forest City lines were being financed. When receivers were named for the holding company the bank promptly failed. While operating the railway system, the holding company maintained a free stock exchange and advertised it extensively in the newspapers. The advertisement said, "we have a free stock exchange which buys and sells Cleveland Railway stock at par and interest, so that a stockholder may realize upon his stock whenever he wishes to." The stock was spoken of as "a security that cannot be shaken," and this language also appeared—"as Mayor Johnson says, this stock is equal in security to a government bond."

The advertisement was conspicuously displayed, with the mayor's picture at the top, followed by this sentence over the mayor's name—"When the security, the rate of interest, and the free stock exchange are considered, no investment that has ever been offered to the public is as safe and profitable as this." The failure of the holding company, of course, closed the free exchange. Some

**Johnson's
Advertisements**

railway company accepted the Tayler plan is pointed to by his opponents as evidence of his desire for personal control of the railway system.

On the day following the municipal election of November 2d, a newspaper friendly to the mayor said:

Cleveland discharged Mayor Tom L. Johnson yesterday. For the fifth time he has asked re-employment to finish the job of street railway settlement.

This admits the failure of the effort to keep the street railway issue out of the campaign. There was no change of the public mind between the referendum campaign of mid-summer and the municipal campaign in the fall. People considered the street railway question unsettled, and desiring settlement, they removed the mayor.

The public is the really important party, though the mayor and the railway president by their shouting and brandishing of arms held attention while the fight was going on. But to the public is most of the enduring and most of the paying and nearly all of the abiding result. What then does the public get and what does it pay, and is the thing bought worth the price?

For the purpose of discussion it is assumed that the direct and early result will be the enactment and acceptance of the ordinance now being completed by Judge Tayler.

Johnson's Defeat and Its Results

The ordinance fixes the initial fare at three cents with one cent for a transfer without rebate. A scale of rates is provided, according to which the rate shall be changed as may be necessary to return the agreed interest, and no more, upon capital value. Every test made in Cleveland tends to show that three cents is not enough to pay interest on capital. It is probable, therefore, that before long the fare will go to the next higher rate. At that rate the cheapest journey possible will cost three and one-third cents, and for comparison that rate is taken as that which people will pay for a long period. It was said in 1901, and the newspapers printed it, that if given twenty-five year franchises the railway companies would accept a ticket rate of seven for a quarter, making the cost of the cheapest journey 3.57 cents. If this

statement was true, eight years of fighting have beaten down the fare .24 cents a journey. However, the companies did not formally propose a ticket rate of seven tickets for a quarter in 1901, and perhaps they would not have done so. Late in 1906 the railway company did formally propose a ticket rate of seven for a quarter, so that, as far as the rate of fare is concerned, it is proper to consider whether the last three years of strife are justified by a gain of .24 cents in the cost of the journey. The answer, of course, depends on what the war has cost the city, and that subject will be considered before the end of this discussion.

Included in the direct result is the establishment for Cleveland of the principle of service at cost. Whether that principle is the best for the public is fairly debatable, but it cannot be debated here. As carried out in the Tayler plan, it is acceptable for Cleveland in the circumstances now existing there. However, it probably would not be seriously contended that mere approval of this principle by the public makes the war worth while. The estimated cash benefit of the application of this principle of service at cost is .24 cents a journey, or \$1.46 a year for the shop-girl making the round trip from home to work on each of the three hundred and five working days.

One writer says that Mayor Johnson "has aroused in Cleveland a civic sense. He has made the people realize that the affairs of the city are their affairs." If this is true, this civic sense is a result of the war, for the mayor's activities and the war are almost identical. Cleveland was well reputed for civic sense for some years before 1901. It is true, though, that since that date there have been new currents of popular feeling and that the mayor is responsible for them. He pitched his tent upon the sand lots; pointed to the railway company; talked of "intrenched monopoly", "special privileges", "an arrogant corporation"; promised "three-cent fare and universal transfers" and proclaimed the overwhelming power of the people. It was not service at cost—that is reasonable if not expedient—but "three-cent fare and universal transfers", the feasibility of which in Cleveland no man knew or could know. Hatred and greed were stirred, then consciousness of power aroused. Unless there is a quick sense

A Civic Sense Aroused

of duty to use power righteously, consciousness of power is vicious. So pleasant a phrase as "civic sense" should connote public duty as well as public power, but the "civic sense" aroused in Cleveland by Mayor Johnson is to be reckoned in the price paid and not as part of the good obtained.

The price paid is the cost of the war, and, of course, cannot be exactly expressed. In making up the total for an industrial community of half a million people account must be made of years of delay in the reduction of fares; industries sent and kept away from Cleveland by supposed hostility to capital at the city hall; hindrance to extension of plants through lack of car service; neglect of public improvement because the war absorbed attention and energy. Worse than the money cost are items of another sort. Malignant envy has been fostered among humble folk. Among the better-to-do, men of mind and conscience have doubted the good intention of the city government and feared its policies. Hatred has divided classes and invaded neighborhoods and even families. It is not extravagant to say *war* when these things are considered.

The result is not worth the price. It was right that the railway company be denied a franchise until, for good service, it was willing to take a very moderate return upon its capital. To reach such agreement, intelligence and firmness were necessary, but a sensational raid, to say nothing of protracted war, was not justified. Since the railway company's offer of 1906 nothing has been gained which is worth a fraction of the cost.

When all is said the best result is peace, and peace is so welcome that it is almost possible to forget that, but for war, there is always peace. In all these years, Cleveland has gained in wealth and population, and an era of peace will show how much more she might have gained.

one like the prophets of old will arise as the Lord's anointed, to fight the cause of his people. Meanwhile graft goes on with no thought of the coming avenger.

There is explanation if not excuse for this complacency on the part of each citizen.

The punishment of graft is the public business. No one more than another is called upon to act. It involves the expenditure of much time, effort and money. It invariably makes powerful enemies. It brings upon those in charge vituperation, abuse and attacks of all kinds. In most cases the public soon becomes tired of the agitation. The crusade against graft meets with opposition, not only from those directly affected, and their friends and sympathizers, but also from that larger number who think that such exposures reflect upon the good name of the city and injure business. There is still another element in every community that opposes these crusades. It is the partisans of the political party in control, who themselves unwilling to personally participate in the crime, are not so horrified as to be willing to suffer party defeat in order to purify their organization. Still others are found among the opposition, namely: those who regard as emoluments of office the opportunities official position gives to improve private fortune at public expense. Many cannot conceive of men being influenced by such public spirit as for that alone to be willing to endure the opprobrium incident to active participation in a graft crusade, and therefore assume some ulterior motive which forfeits their right to support, and this class will be among the opposing forces. The number of these enrolled among the opposition is in some communities larger than in others, depending in each case upon the moral tone of the city.

The greatest of all retarding and deterrent elements, however, is the difficulty of securing financial support. The cost of these

Privately Supported Prosecutions	crusades is large. During the period of preparation when the evidence is being collected, publicity means failure, yet that is the very time when the largest expenditures must be made.
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General solicitation of funds, under such circumstances, is equivalent to publication, and publication, as above stated, to failure.

the suspicion in which many, even the innocent are enshrouded, conspire to alienate the support even of the well-meaning, and give to the guilty and their friends, to the weak and nervous, to the doubters and sneerers, to the political partisans and spoilsmen, to the selfish citizens who feel for their pockets more than for their morals, the opportunity to turn the public sentiment against the crusade. The criminal laws should be always promptly enforced and if the prosecutions involve public interests and large numbers, then the greater these interests and numbers, the more important does it become to have prompt enforcement and an end put to accusations by conviction or acquittal. Conviction by the sober judgment of the community, upon the evidence submitted, is as important as by the jury, and frequently will just as well serve the purpose of the crusade. The prominent man, who falls in the estimation of the community, suffers as much, sometimes more, from this cause, as from the sentence of the court. It is prevention such crusades should seek; punishment belongs to other tribunals, human and divine.

When informed by the disclosures of the crusade, the duly constituted law officers have the legal machinery to continue the investigation, and are the only authority with power to bring the accused to trial.

Graft trials, like other criminal trials, are effective or otherwise, as the criminal administration of the community is effective or otherwise. An aroused and intelligent public sentiment, indignant and militant, usually gets what it wants, here as elsewhere.

With our vast urban aggregations the old town meetings are now impossible and belong only to history. The exercise of the public will is now limited to the elections, usually on partisan lines. The expression of the public opinion is in these days volunteered by the press and is influenced, biased or representative, as the press is venal, partisan or independent.

The public interests by which the citizen is directly affected are now far greater than ever before. The city which was once merely "an agency instituted by the sovereign for the purpose of carrying out in detail the objects of government," has be-

people, the venality or independence of its press, and the criminal complacency or militant virtue of its teachers, preachers and public men.

One of the most powerful weapons against graft seldom if ever used is a suit to recover the property misappropriated. This is perhaps more effective than criminal prosecutions, because it does not arouse sympathy for the family of the accused who, though innocent, suffer disgrace when the head of the family is imprisoned.

**Civil Suits
to Recover**

That a trustee who for his own profit betrays his trust can be called to account, is established law. That he may be held liable in damages for gross violation of duty, has been likewise decided. An official who corruptly receives money out of the public treasury can be made to refund, and so of property he corruptly obtains. The contractor, franchise grabber and the like, who by conspiracy with the officials of a city corruptly obtains money, franchises or property, can be made to account to the city. In these suits, the rigid rules of the criminal law would not prevail, and evidence could be obtained which would be unavailable in a prosecution for crime. The grafter, who knew he had not only the possibility of a criminal prosecution from a vigilant organization to face, but also a suit for the recovery of his corruptly-gotten gains, would find grafting not only dangerous but unprofitable. The running of the statute of limitations against the crime would open the mouth of many a co-grafter, and in many cases would subject the co-conspirator to blackmail from his erstwhile dupe. Resort to the civil courts, it is suggested, will in time go hand in hand with prosecutions in the criminal courts, and may be had where time or other cause bars entrance to the latter.

It has been and it will be said that these graft crusades accomplish no permanent good, that while perhaps temporarily held in check graft will be resumed after the agitation subsides and be as bold as before. Every such crusade is one step forward. Some ground is gained. The Tweed regime will never be resumed in New York, although there may be grafting still. But the agitation would never subside, the watchfulness never be relaxed, if such organizations, as have been suggested, were on

guard, backed by a healthy public sentiment. Why should a community get tired of the prosecution of grafters and grow sympathetic, more than with burglars, pickpockets and thieves? That public sentiment is sickly which demands the punishment of one class of law-breakers and condones another, more heinous, hurtful and despicable.

Those who condemn graft prosecutions because of a fear that it will harm the city and hurt business, will bear watching. They place money above morals, policy above purity, and complacency above citizenship.

One of the greatest, if not the greatest, benefit to a community accruing from a well-organized association, such as has been indicated, which actively and energetically engages in this public work, is the stimulation of the interest of the public in its own affairs, the removal of that attitude of despair, which hopelessly asks what can we do, who will undertake to correct these public evils and protect the public rights. It furnishes to the citizens an executive head to speak and act for the citizens. Every community can organize such an association if it wants to fight graft. The community that wants no graft can stop it; the community that tolerates graft wants graft, and therefore in the last analysis the indictment of grafters is the indictment of the community.

The Development of Civic Spirit.

JOHN IHLDER, GRAND RAPIDS, MICH.,

Secretary Board of Trade Committee on Municipal Affairs.

We do not aim to be reformers, but performers. The underlying principle of our work is that if we can interest the people in the building of the city, efficiency and honesty in government will follow inevitably. This does not mean stimulating the public by a series of spectacular proposals, though, of course, these are necessary occasionally; but interesting them in the daily routine of city work, making them take in it the same steady interest that they feel in their own concerns, explaining to them

**Performers
Rather Than
Reformers**

clearly both the methods and the effects of keeping streets clean; extending sewers and water mains; following an intelligent financial policy—subjects usually considered dry and uninteresting, but an understanding of which is necessary to intelligent and effective citizenship, and an understanding of which makes city building a game of intense interest.

With these, of course, we are constantly holding out the vision of the city of the future. It has seemed to us that the fault of militant citizens in the past has been that they have constantly fought for negatives, to lessen evil, to drive bad men out of office and that they have neglected to make routine city work attractive to the average man. So we are experimenting on the other method. We fight for positives, we assume that city officials represent the people and so we try to influence them for the city's good by making the people take an intelligent, public-spirited interest in what their officials are doing. We take no part in the selection of the candidates, basing our hopes for progress on the increasing foresight and understanding of the people whom those candidates represent. Aside from this general educational campaign which is carried on unceasingly by means of committee meetings whose discussions are published in the newspapers, by addresses delivered before neighborhood asso-

for it planted here and there all over the city seeds which now are sprouting, which we who came later are cultivating with the prospect of making them spread into an abundant harvest.

I mention this because there is in all of us a tendency to ignore the painful and apparently fruitless, but absolutely necessary, preliminary work when at last large results begin to appear.

About two years ago we struck the combination which now is giving results. Only this fall, yes only within these past few days, have we seen the effects of our work become so evident that we appear before you to-day confident that our method is right, that the future of our city is safe. There probably will be setbacks, human progress has never been without them, but we have reason for faith that barring some unforeseen and uncalculable disaster we are on the way to making of Grand Rapids a true and an efficient democracy, one in the operation of which nearly every citizen will take a live, constructive, far-seeing interest. We have taken our citizens and our officials as we found them, we began our work at a time when reformers were discredited and disliked as mere faultfinders, however worthy their motives; when our people had indeed freed themselves in large measure from thralldom to national parties in their municipal elections but when they still thought of the city in terms of politics and when, consequently, they were, as it seemed, incurably pessimistic of any good thing being done by the city as a city. This, may I say parenthetically, seems to be an unfortunate effect of the work of the old-fashioned reformer who sought to accomplish good by devoting his energies to exposing evil.

But to begin on the story. Grand Rapids has long been, from the point of view of the party machine politician, a stiff-necked community. It has paid the penalty by being passed over when there were plums in the shape of state institutions to be distributed. But such penalties may be well afforded when in the opposite scale are thrown the rewards of independence. When men are needed the party turns to us. Among our citizens are a United States senator and an ambassador, while the congressman of the dis-

Effects Begin to Show

A Stiff-Necked Community

offices, began the work of consolidating power and responsibility, established the principle of choosing administrative officers regardless of politics and retaining them so long as they show ability and industry, and a remodeled school board. Before the school board had been an unwieldy, patronage-bestowing body of twenty-four men elected by wards. Now it is a compact public-spirited body of nine men elected at large.

All these changes were born of much discussion, for the non-partisan mayor was one who talked in public instead of in the seclusion of his private office. The charter as finally adopted was far from perfect, this was the beginning of such public discussion of big matters and some of the suggestions coming in late were incorporated hurriedly. But this charter was a great improvement on the old. And more important still, the discussions which it started have continued until to-day the mass of people in Grand Rapids know fairly well what they want in the way of government.

It was as a result of all this discussion that the Municipal Affairs Committee of the Board of Trade found its work. We were at that time still of the belief that a good system of government should work itself without more than sporadic help from the people. But a few men saw the fallacy of this belief.

**The Municipal
Affairs Com-
mittee Finds
Its Work**

The Board of Trade had taken considerable interest in the framing of the new charter and after that instrument was finally completed its Municipal Affairs Committee took upon itself the task of continuing to work for the city. In this committee was gathered a considerable part of that small group of militant citizens above referred to. Outside of their organization were many associations designed to secure better government by selecting candidates for office, by bringing pressure to bear upon candidates already selected or by uncovering the misdeeds of officials. There is no need of reciting their names for every city contains similar associations. The Municipal Affairs Committee therefore set itself a different task, that of securing betterment by calling attention to measures rather than men. It began along lines familiar to all of you, the abatement of the smoke and bill-board nuisances, an Arbor Day distribution of trees and

seriously proposed to extend the chief business street of the city through a built-up district, or to create a new civic center several blocks away from the existing public buildings.

Many of the leading men of the town took this attitude—judges, manufacturers and merchants. But here and there among them we found, sometimes when we had least expected it, one who had a larger vision, one who realized that the large project may succeed where the small one fails, because the large project seems worth while and because it fires the imagination.

In spite of jeers and ridicule the committee took its work seriously. This, it must be remembered, was before town planning had become what it is to-day, almost a common-place in America. A report showing the waste in money and duplications due to lack of planning in the past was prepared and submitted to the directors of the Board of Trade. They indorsed it and even recommended that the Board raise the money with which to secure a town plan. This recommendation was, however, disregarded on the ground that as the plan must needs be carried out by the city government, that government should be responsible for its preparation.

This entailed more cost in time, but a cost well afforded. The aldermen, needless to say, could not understand what we were driving at. Finally, however, a committee of three was appointed by the council and after months of argument and persuasion they were induced to recommend the appointment of a commission of nine citizens to take up the matter. But no money was given these citizens. They spent a winter at the task and then found it too big for them unless they could get expert advice. But expert advice costs money and that the council was in no mood to give, for to the aldermanic mind the whole scheme was folly without a single practical feature in it. So the Municipal Affairs Committee came to the commission's aid by giving the first civic revival.

Charles Zueblin, then connected with the University of Chicago, was engaged as the revivalist. Requests for formal endorsement were sent to every society and lodge in the city. Literature was distributed broadcast.

**The First
Civic Revival**

Revival week began with discouragement. Rain poured down and the attendance at the meetings was small. But day by day the attendance increased and at last hundreds had to be turned away. On Saturday eighty of the representative business men attended a conference luncheon and voted that money should be provided for a city plan report. That evening and on Sunday petition cards were circulated at the revival meetings. On Monday the council granted the appropriation.

This was the first great triumph. It lay not so much in having secured the money for a report, as in having made the people take a living interest in their city's future.

Almost a year elapsed before the report appeared, but it was a well-spent year. The commission held frequent meetings which were fully reported in the newspapers. **The City Plan Report Published** When Messrs. Carrere and Brunner, our expert advisers, came to Grand Rapids their doings were fully chronicled. They were taken before the common council, before the Board of Trade, public meetings were held at which they addressed the people. So, when at last the report appeared the people had come to have some understanding of what it meant.

Since its appearance last May the report has been growing steadily in popular favor. Still we did not feel confident enough of its hold upon the people to demand immediate compliance with its recommendations. So this month we held our second civic revival. Again we engaged Mr. Zueblin, but instead of holding all our meetings in one place, we sent him about the city, in the endeavor to reach audiences who would not come down town. The last meetings were on Sunday in our largest theater, which was filled. Again we made the effects of the revival definite by holding a conference luncheon attended **Second Civic Revival** by more than one hundred business men and city officials. There we adopted a program endorsing the city plan report and recommending that we take up one great improvement at a time, but meanwhile, as opportunity offers, do what we can to further those whose turn comes later. In consonance with this program we decided to concentrate our efforts this winter upon a campaign for pure water. At the same

time, however, we demanded that a new fire-engine house, which it was proposed to place in the way of the extension of our chief business street as recommended by the report should be moved back, additional property being bought for the purpose, so that when the turn of this improvement comes we may find it easier, not more difficult of accomplishment.

But again I wish to point out to you that what we are aiming at is not a series of public improvements. These are only inci-

**A New Sense of
Citizenship**

dental. What we desire is the creation of a new sense of citizenship, a new and vital interest in the city as our common heritage. If we can secure that the improvements will follow inevitably. And in order that we may secure that we are going about our improvements slowly, giving the people time to think and understand. We have our plan which will enable us to do our work wisely, more wisely we believe than if we had carried on a whirlwind campaign for a big bond issue which would have made possible all the work at once. For such a campaign, we fear, would be followed by reaction. The great object having been attained, there would have followed lethargy and indifference. What we hope for is steady improvement as a result of steady interest, improvement not only in the physical appearance of the city, but in its government and in the lives of its people.

and most necessary tasks confronting a board of health is to get the public to avail itself of the health protection which the health board provides.

I lay particular stress upon the importance of a clear conception of health-board functions on the part of both the health officials and the citizens because it is through failure to get this that so much of our health-board work is misdirected and ineffective, thus failing to beget public interest and support.

Let us assume that an intelligent and efficient board of health is in existence in a given community; that it has such laboratory and other equipment as will enable it to achieve noteworthy results in one or a few lines of work; but that it feels the need of greater public interest and co-operation in its work. Under such conditions, the board should take the public into its confidence by setting forth in clear and concise form what it is trying to accomplish, what it has achieved, how it has fallen short of its aim, and how the public can assist it by general and individual co-operation. This means well-planned publicity and educational work, carried on by means of the local newspapers, board of health circulars, bulletins and annual reports, the local municipal journal which is now coming into existence in many cities, and various civic, medical, and other local organizations which can readily be enlisted in the cause.

By way of specific illustration let us take a line of work which only a comparatively few boards of health have yet taken up in an efficient way and which is but little appreciated by the general public—namely, the sanitary supervision of the milk supply. A local board of health makes a careful survey of this field, determines and establishes such regulations as are essential to prevent the milk supply from causing a high infant mortality and spreading tuberculosis, typhoid fever, diphtheria and scarlet fever. It secures the co-operation of milk producers and dealers, so far as possible, and of medical and various other associations, and enters upon a vigorous campaign of dairy and milk inspection, with prosecutions of violators of its milk ordinances after all reasonable attempts to secure compliance without legal measures have failed. It also tries to teach housewives and milk con-

As already intimated, I have tried to illustrate by a few examples how boards of health may interest the public in their work, rather than to cover the entire field of possibilities.

Let us now consider what other agencies than boards of health may be expected to take a hand in interesting the public in health work. These agencies include a host of municipal, sanitary, civic, medical, educational and other organizations, not forgetting the numerous and influential women's clubs; an equal number and diversity of periodical publications; the whole public educational system, from the secondary schools to the universities, inclusive; and various professional schools, particularly those of medicine, engineering, chemistry, bacteriology and sociology. These many and powerful agencies can do a vast amount of educational work, much of it in direct co-operation with boards of health.

Health exhibits are valuable means of arousing, though they perhaps have little power of maintaining, interest in health-protective work. Permanent museums and libraries of hygiene, sanitation and public-health administration may yet become common and would doubtless be effective educational agencies.

Special investigations, like those dealing with housing conditions in New York, Washington and elsewhere, like the Pittsburgh Survey, and like the work now being carried on by the Pittsburgh Typhoid Commission, and the Rockefeller Hook-Worm Disease Commission, are worthy of note and of extension into other fields.

Particular mention may be made of the recent report on National Vitality and its relation to the great conservation movement, submitted to the President on behalf of the Committee of One Hundred created under the auspices of the American Association for the Advancement of Science. A wide distribution and reading of that report, prepared by Professor Irving Fisher, of Yale University, would do much to create and foster an interest in all phases of health conservation.

The International Congress of Hygiene and Demography, which will meet at Washington in 1910, will doubtless make a great impress on the American public, as did in a more limited yet more intensive field the International Tuberculosis Congress

of men thus trained. I hasten to add, however, that the public has not yet utilized all the material available for fairly efficient health officers; men who would rapidly grow into their work if only they were assured of reasonable salaries, freedom from political interference and continuance in office during good behavior and efficient work. And this is one reason why the public needs enlightenment on the nature and importance of health-protective work.

As a last word, might it not be profitable to have a co-operative investigation of professional and popular health-educational facilities made jointly by the League's committees on Co-ordination of Instruction in Municipal Government in American Colleges and Universities, on Instruction in Elementary and High Schools, and on Municipal Engineering and Sanitation?

Publicity and Regulation of Campaign Funds.*

ABSTRACT OF ADDRESS BY PROF. ROBERT C. BROOKS,
Head of the Department of Political Science, University of Cincinnati.

On the question of the "Publicity and Regulation of Campaign Funds," Professor Brooks took the position that the publicity legislation of recent years will probably be extended to cover most of the states which at present have no such laws. Municipal as well as national and state elections should be safeguarded in this way, and primary contests¹ need publicity as much as actual elections. Experience with publicity laws will point the way to other restrictions such as the laws preventing corporate contributions now on the statute books of so many states and forbidden by federal law. Thus contributions from candidates, civil service employees, and others may be limited or forbidden, while limitations as to amount may be enforced against all contributions.

Prof. Brooks also took up in detail the question so much discussed during the last presidential campaign as to publicity before or after election.

In attempting to form a judgment on this issue Professor Brooks held that it is difficult to assign it such practical importance as it received during the campaign of 1908. As for campaign gifts in general it is impossible to set up a plea for privacy in their favor. They are clearly designed to effect public policy and as such clearly subject to criticism. If this criticism should go to extremes it will hurt the party responsible for it more than the individuals assailed. If, however, such criticism is just, both the individual making, and the party receiving the suspicious contribution deserve to suffer. By deterring other contributions of a similar character, a distinct public service will be rendered by such ante-election criticism. Knowledge of the sources of the financial support of a party is certainly not the only nor the best basis which a man should employ in determining how he shall cast his vote, but under present conditions in American politics it is certainly a matter which he is entitled to take into consideration. Admitting, therefore, that here is room for honest difference of opinion on the question as to the time of pub-

* The full text of Prof. Brooks' address will be incorporated in Ch. VI of his book dealing with political corruption which is to be issued by D. Appleton & Co., in March, 1910.

¹ Also registration.—EDITOR.

licity, the weight of the argument would seem to fall in favor of publicity before election. While thus frankly accepting the recent Democratic position, Prof. Brooks deprecated the partisan aspect which this question acquired during the last presidential campaign. He pointed out, however, that ante-election publicity might reasonably be considered an original Republican doctrine. Earlier in 1908 every Republican in the House of Representatives voted for a bill, (H. R. 20112) involving the principle of publicity before election. The present dominance of that party in federal affairs was pointed to as an excellent tactical opportunity for a reversion to its earlier position.

More important than the time of publicity, however, is the question of the thoroughness with which such laws are enforced. It is certain that publicity pure and simple, whether before or after election, will seldom show on the face of the reports any facts seriously reflecting upon party integrity. If there is to be any difficulty in connection with laws of this character it will come in the way of getting at real, complete statements, going back of the names and figures on the returns, if necessary. Various methods of doing this, official and voluntary, were discussed. Prof. Brooks also indulged in a rather critical consideration of President Roosevelt's recommendation to Congress in 1907, that appropriations should be made from public funds for meeting national campaign expenses.

It is a very broad subject, and I do not expect to do more in introducing it than to touch on it in a very general way. I do not know just what phases of it may be most interesting to the people who are here this afternoon.

Of course, we frequently comment upon the fact that no matter what we have done toward the management of these utilities, we have not reached any satisfactory solution, anything which looks to any of the people who have been most intimately connected with the matter as a really permanent solution. Yet I think that if we reflect for a few minutes upon the essential character of the business carried on by public utilities corporations we will readily understand why that is.

Government is always a matter of the adjustment of methods and of agencies to existing conditions. A method of conducting government, or the functions of government, at a given time under particular conditions in a particular community may not be applicable to other times and other conditions. But if we are to look at the underlying principle of public utility corporations, or public utilities themselves, I think we can throw some light on the question.

I shall not refer to any radical opinions, or to the views of any doctrinaire reformer.

One of the most significant utterances of the chief judicial tribunal of this nation, the Supreme Court at Washington, consists in a declaration in one of the most prominent and well-known cases in this country. That declaration was in these words—"the business of a railroad carrier is of a public nature and in performing it the carrier is also performing to a certain extent a function of government."

And if you will analyse the decisions of the state courts including the decisions of cases involving governmental or popular aid to railroad corporations, the issuance of bonds or the granting of subsidies in one form or another, you will find that all those decisions in all the state courts that have had occasion to consider them, proceed upon the same basis,—that a public utility, properly so-called, is an essential function of government.

Now if that is true—and I refer to those decisions so that you may understand that the basis of what I have to say is, as I have said, nothing radical, nothing doctrinaire or theoretical, but the fundamental basis upon which our railroad legislation and upon which our gas and electric light legislation depends; in fact, all the legislation that involves either the permanent occupation of a public highway, or the exercise of the power of eminent domain. It all rests upon the hypothesis that the reason we permit these things to occupy a public highway, the reason we permit these corporations to have the arbitrary power of eminent domain so that they may take from the individual his property without his consent, is that they are exercising a function of government, and that that arbi-

to whether municipalities should as a general principle take over and operate their public utilities, there remained an absolute conflict of opinion between the extreme radicals on the one hand, who were on the Committee, and the extreme conservatives on the other, it was possible to agree upon a unanimous recommendation with the exception of a single man on the Committee, that all public utilities should be handled and managed under terms which would permit the existing municipalities to take them over upon fair terms and fair notice at any time [Applause], under provisions for the effective regulation of the rates and of the service rendered by those utilities, and under provisions for the publicity of the accounts, books and records, and under provisions for a definite term grant which should require at the expiration thereof some readjustment of the relations between the corporation and the municipality.¹

It was possible in that report to get absolute agreement upon the proposition that one of the reasons why our public utilities had not been any more satisfactory than they were was due to the direct interference of the corporate management in the political affairs of a particular community [Applause]; in other words, it was possible to insert in that report the statement that it is charged that the managers of the public utility corporations have directly interfered with the politics of the community, to the detriment of the community, and that we had found from our investigation that that charge is substantiated.

**Corporate
Influence**

We got concurrence in a proposition of that sort of men whom I might mention, whose direct personal interest and employment and investments were connected with private ownership of public utilities. On the other hand we were able to get the concurrence of the extreme radicals to the proposition that they are mistaken who believe that the inauguration of a policy of municipal ownership and operation of public utilities will provide a political panacea. While the fact that the municipality is given the responsibility and the opportunity to work out these problems may tend to dignify local municipal government and thereby to elevate it; while it may remove the artificial obstruction from government which the self-interest of the corporation interposes, nevertheless, you cannot get rid of the human factor in the equation in any such way, and that good government depends upon that factor first, last and all the time; that municipal ownership of public utilities will not remove it, and might

¹ In connection with Mr. Fisher's remark in regard to the National Civic Federation's investigation, it is interesting to note that the conclusion which the Federation's committee reached was substantially identical with that reached by the National Municipal League's committee on Municipal Program ten years previously. The fact that two committees approaching the subject from different viewpoints reached substantially the same conclusion is strongly persuasive of its soundness.

If I can add anything to the discussion it would be probably with reference to the recent experiences of Massachusetts in connection with public service corporations, and the way they have been controlled in that state. Speaking first of the Boston Consolidated Gas Company, which is a consolidation of eight previous companies doing business in and about Boston:

Boston's Recent Experiences This company by a special act of the legislature carried through in considerable part through the exertions of the Public Franchise League of Massachusetts, this company has been taken completely out of politics by the establishment of a sliding scale, whereby as the price of gas is reduced by the company voluntarily, the rate of dividend is permitted to increase; starting with the price of gas at 90 cts. per M. and a rate of dividend of 7 per ct., the Sliding Scale Act permits an increase of 1 per ct. in the dividend for each 5 cts. reduction in the price of gas.

This act has done away with any alleged necessity for the corporation to be in politics in order to protect itself against raids on its treasury or uncalled-for reductions in the price of gas. The question of what the price shall be or what the dividend shall be is taken out of the city council, and out of the state legislature practically altogether.

Another corporation which I might mention in which important control has been recently established is the New England Telephone & Telegraph Company, which by recent statutes has been put under the Massachusetts Highway Commission, in the same way that the gas companies and electric light companies throughout the state are under the control of the Massachusetts Gas and Electric Light Commission. As soon as the Highway Commission attempted to deal with the demands of telephone users for reductions in rates, and tried to establish to its own satisfaction what would be fair rates both to the telephone users and to the company, it found itself seriously handicapped in such an endeavor by the lack of information available. It was found necessary finally to have a thorough-going appraisal made of all the property of the company throughout the State of Massachusetts, and this was continued by the company itself to its property in other states. Now for the first time the Highway Commission is in possession of information establishing a fair valuation of the company's property upon which a reasonable return to the shareholders might be based, after proper allowances have been made for all classes of expenses, including depreciation and other reserves.

This brings the commission immediately against very serious questions relating to depreciation in telephone company apparatus and plant.

It happened that some three years ago I made an investigation for the telephone company into its condition and methods of accounting, with especial reference to costs of maintenance of plant, covering both ordinary repairs, reconstruction, and depreciation. At that time the New England Company classified as all of the Bell companies did its main-

tenance charges under the same heads that it classified its operation charges; namely, under "labor," "materials," "supplies," "general expenses," etc. This classification had no relation whatever to the various classes of assets which were being maintained by the expenditures so classified; and in order to get at any sufficient sources of information it was evident that the whole scheme of accounting for maintenance, in the New England Company and the other companies would have to be completely rearranged, so that the maintenance charges and the allowances for depreciation should be classified in accordance with the various plant accounts, such as "underground conduits," "aerial wires," "submarine cables," "exchange plant" including switch-boards, etc., etc. This reorganization in these departments of the accounts has now been brought about in all of the Bell companies, so I am informed; and it is therefore possible for the first time to make proper allowances for depreciation covering obsolescence and deterioration in excess of ordinary repairs, which will bear true accounting relations to the various classes of assets; and thereby it becomes possible to provide by means of a series of depreciation reserves against impairment of the capital invested in the plant; these provisions coming from income by means of regular monthly charges which become an element of expense on the one hand, and are credited to the series of depreciation reserves on the other hand. Against these depreciation reserves are charged the actual costs of renewals, replacements, and reconstructions, as they occur. In this way it is immediately apparent, and will be apparent over a series of years, whether the provisions for depreciation are in excess of the actual cost of making depreciation good, or whether they are deficient; and in which class of assets they are deficient.

The very great importance of scientific provisions for depreciation is thus made evident in this class of public service corporations; and in my own opinion such provisions will be found to be equally important in all other classes of public service corporations; particularly in the street railway and electric light plants where deterioration goes on rapidly, and where obsolescence of machinery frequently occurs owing to the rapid development in the state of the art.

Following behind the electrical concerns come the gas companies, in which depreciation is not so vital a feature, and yet is fundamentally important when the question comes of establishing rates which shall be fair to the consumer and fair to the corporations; and behind the gas companies come the water works, private, or municipal, in which similar provisions for depreciation are equally as necessary as in the public utilities previously mentioned, but in which the rate of depreciation is markedly less.

MR. JOHN NOLEN, *Cambridge, Mass.*: Let me say a brief word with reference to the important relation of one public utility, the street rail-

way to city planning in two particulars; first, the question of thoroughfares. If you look at our cities, more especially if you live in them, you will realize the inconvenience and waste that we all suffer because of

Public Utilities and City Planning the failure to control and regulate the city street railway. As a matter of fact there is between citizens of a town or city and the street railway company, as a rule, a strict feeling of hostility, and no inclination to work out for the convenience of the city its numerous problems. The result is that our street railways are very inconveniently located and inadequately provided for.

I have seen city after city, not only large cities, but the small cities, where there seemed no hope of getting a solution of this housing problem, because there was no means of regulating and controlling the direction in which the street railway company would develop land. The result is that you find, for example, in a little city like Madison, Wis., within ten minutes of the heart of the city higher land values than you would find in a corresponding community of Massachusetts. Why is it? There is a beautiful country there which cannot be reached and cannot be tapped, because there is no power or authority to say where the street railway shall go.

DR. J. LOCKIE WILSON, Toronto, Canada: In going through the city yesterday I made inquiry as to the charges made by your street railway. I found that five cents was the regular charge to everybody in the city.

Toronto In the city of Toronto under the present system, from 5:30 until 8:30 a. m. and from 5 to 6:30 p. m. the charge for eight tickets is twenty-five cents. For school children or those working along educational lines, the teachers or the children,—we like them to get to school as easily and comfortably as possible—the rate is ten tickets for a quarter. So you can see that something is being done by that railway corporation in the city of Toronto to assist laboring men, to assist school teachers, and to assist those who go to work early in the morning, and who work very hard all through the day.

MR. PENDLETON: I would like to ask as to whether the city gets any percentage of the gross revenue?

DR. WILSON: They do, a large percentage. Hundreds of thousands of dollars have been paid over in that way.

MR. PENDLETON: What is the percentage?

DR. WILSON: I think it is six, or ten per cent; I am not quite exactly sure about that, what percent it is, but I know as a matter of fact that hundreds of thousands of dollars have been handed over by the street railway to the city of Toronto. I am quite sure too that when the eleven

fore the most favorable proposition ever made anywhere in the world as to fare and service was rejected. There are a great many things to be taken into consideration besides the mere question of fare. In Chicago the question of service we regard as a prime consideration, and we believe we are getting the best service of any municipality of anything like the size and character of our city in this country, if not anywhere in the world. We are getting it as the result of a prolonged and obstinate fight which the city of Chicago profits from.

I might say to the gentleman from Cambridge that the work being done by the street railway in our city is absolutely under the control of a board of engineers which passes on every payment and contract in a work involving a million and a half of money, which has been going on for the past two years. No move can be made without the approval of this board. The provisions require that the company shall make extensions whenever ordered by the municipality, and that the company shall not have the right to inquire into the reason for same. The city reserved the right to order additional expenses whenever the service may require it. There are other provisions of that same character, provisions for service and all that sort of thing; and the primary provision, which I regard as fundamental, and which is so regarded by everybody, is that the city of Chicago can at any time on six months' notice, at the expiration of the six months take over the property upon payment of the accrued capital account and the additions thereto—these additions being under the control of the board of engineers. The great benefit of this provision, as I see it, is not only in the power to improve existing conditions but they can at any time act when new conditions arise requiring it, without waiting eleven years, or eleven months, provided they have the financial ability to act. It cannot act without that, as you know [Applause].

WEDNESDAY NOON, NOVEMBER 17th.

ROBERT S. BINKERD, SECRETARY CITY CLUB OF NEW YORK, AND
FORMERLY SECRETARY CITIZENS UNION OF NEW
YORK CITY, PRESIDING.

CHAIRMAN BINKERD: The principal point of this conference was raised and discussed at the Pittsburgh meeting of the League in 1908. At that discussion I read a paper, in which I maintained that after thirteen years of comparative experience divided between attempts to secure municipal reform by establishing separate city parties, and on the other hand by the method known as the municipal voters' league type of organization, that the weight of experience was decidedly in favor of the municipal voters' league type as an efficient method of work. I am of that opinion

perience of the last City Party election and the fact that we have now a new direct primary bill, under which bill every man's right to vote at the primary is dependent upon his vote at one of the regular fall elections. It is not dependent upon his experience as to whether he is a Democrat or a Republican, but is dependent upon how he voted at the previous regular fall election. The result is that those independents desiring in a municipal election to have some part in the choice of candidates find themselves more and more compelled to ally themselves with one of the regular national parties. The tendency of this direct primary law is to weaken the cohesion of the independents, to drive them into one or the other of the two parties.

MR. MAYO FESLER, *St. Louis*: A number of the gentlemen here are very much interested in the third question which you proposed; viz., What constructive work can these organizations do when the campaigns are not on? I should like to call upon a man, who has given a great deal of attention to this question and who is a very modest man,—Mr. Allen T. Burns, Secretary of the Civic Commission at Pittsburgh.

MR. BURNS: It is of the experience of the Municipal Voters' League at Chicago of which I will speak. That League had come to feel recently that they were living upon the record of glory and reputation made in past days, that their activity and success had come about largely because of the people's interest in the traction question, and that with the passing of that question as an immediate problem before Chicago the League influence would likely slump. This was impressed upon them by what they considered very largely their own failure in the matter of the recent telephone ordinance that was passed there, which indicated that they had lost influence both with the public and with the Council.

With this in view they felt, after discussing the matter for a number of months, that they perhaps needed to revise their platform and stand for more constructive and concrete questions. Accordingly they propounded to be proposed candidates for alderman last winter certain very searching questions on the relation of aldermen to city contracts and other acts of the city with which the aldermen were connected, and their financial interests. It is believed that graft, as formerly practiced in the old days in Chicago, exists comparatively little, but that corruption has taken on a new form and that the people need to be educated upon the more indirect connection between the city officials and financial profit. Therefore, they took this advance step, beginning with it quite a little while before the nominations. To this new platform or plank in their platform they ascribed the fact that at the recent city election they perhaps achieved the greatest triumph in their history. Just preceding that, when

Chicago
League's
Experience

PROF. HATTON: Like Mr. Burns, having had my first experience with those militant organizations in Chicago, and having particularly admired the early work of the Municipal Voters' League of Chicago, perhaps what I say ought to be taken with a certain degree of allowance, for the reason that perhaps I am unduly influenced by what was there accomplished.

It seems to me that in the discussion of constructive work by a militant political organization we have in mind something quite different even from the type of things that the Chicago Municipal Voters' League proposes under its new program. That does not seem to me to be constructive work in the true sense of the term; in other words that new program, so far as Mr. Burns has been able to state it, aims to do nothing upon which there would be a difference of opinion in the electorate as a question of policy. The question is whether this so-called militant organization should between campaigns adopt or take some stand on the questions upon which the electorate is divided. I am personally inclined to think that, and I have expressed this same opinion at the Pittsburgh meeting,—a militant organization, that is an organization that is based upon the fitness of candidates as to honesty and ability, can not safely undertake to do constructive work in the nature of taking a stand upon questions of policy.

The new program of the Chicago Municipal Voters' League is precisely what the Cleveland Municipal Association, so far as I know, has been doing from the beginning. We have always regarded that simply as a means of discovering whether the men that we were recommending according to their fitness or honesty or dishonesty were what we thought them to be. That is not a question of policy; that is not a thing upon which anybody, any two thinking men could have a difference of opinion; but when we

A New Type of Question had to consider the question of whether of two men whom we are presenting to the people we should recommend one man because he believed in the establishment of some particular form of park system or because he believed in municipal ownership or not, we are brought face to face with an entirely new type of question. I am inclined to think that that is a step that a militant organization cannot take; because the moment you take that step you split your constituency into halves, because there are reasonable differences of opinion.

Then what can we do?

Clearly public sentiment needs to be educated. It seems to me that the militant political organizations can do this; that may be called constructive work, that they can bring definitely before the people between campaigns and during campaigns the arguments on both sides of these controverted questions. They can perform the work of getting before the electorate a full, a fair statement of the arguments on either side. That we can do. That I think our militant political organizations may very well undertake. Beyond that I am still doubtful whether a political organization can go.

and other matters of that kind in our city; but we really claim credit more for the constructive work we have done than we do for those matters for which we are the best known outside of our community.

For example, when you speak of constructive work, in our city our council consisted of one hundred and some odd men, the largest council

**Work of the
Pittsburgh
League**

of any city in the United States regardless of population as compared with our own. That of course we found to be an evil. We prepared all of the data; we collected information from every other city in the Union, showing comparisons as to population and the number of councilmen in the respective bodies. We tabulated that in proper form for presentation, and we secured the appointment of a commission to revise and reduce the number, not as low as we had hoped, but as low as we could under the circumstances get, to the number of sixty odd. Now that I consider constructive work. That of course was done between campaigns.

Now we found there were conditions existing with reference to the rules of council by which it was almost impossible for an independent man who desired to have full consideration given to matters that were pending before the council, to get an opportunity to prepare and present his views, so as to have any given question considered. So we took up the question of the revision of the rules of council. We collected data upon that from the various communities throughout our country, and as much information as we could get. We published that, and we submitted it in the form of letters and recommendations to every member of the council; while they said that the Voters' League had no business to interfere in their business, and they did not care a rap for them, nevertheless they proceeded to amend their rules, and did adopt a great many of the suggestions that we made.

So throughout the year we make it our business, officiously, if you please, to inquire into any evils that we consider as existing, and try to get the data and the information upon that subject, and bring it to the attention of the proper authorities, or those who have been elected and are in charge; and we frequently get very good results.

In order to prevent our organization from being wrecked upon the rock to which Prof. Hatton has referred, namely, a possible division of opinion on any great question, we try to avoid questions which are mere matters of policy, questions which are mere matters of theory, confining our attention to such matters as are recognized by the community as requiring attention and requiring correction; and thus, while there may be a division of opinion, there is not such a division of opinion upon this question as affects our influence, or affects our reputation for fairness and candor, when we come to issue our bulletins upon the respective appointees.

I have been trying to picture to myself what Tammany Hall would think if it was admitted to this conference here and the question was asked, "What are you going to do between campaigns?"

Work Between Elections I wonder what Tammany would think of the bunch of reformers that would ask that question. Your voters' leagues have to elect the most efficient and honest men to public office. You are dealing with men, not measures. Now think of the absurdity of sitting down for four years, and at the end of that time going to the public and asking them to recall the adverse acts, or the good acts, of men which occurred three or four years before. It seems to me wholly impractical.

It is a perfectly clear proposition to my mind what a municipal voters' league can do between campaigns. It can stay on the job all the time, just as Tammany does. It can scrutinize in detail the acts of the administration from top to bottom, and if it finds any acts that are defective or bad, or corrupt, it can point them out right from the shoulder. [Applause.]

CHAIRMAN BINKERD: Now considering the discussion upon point three as settled for the time, does any one wish to speak on the question of what offices can properly be treated by a militant good government organization? For instance, we have a varying practice, some treat from the mayor down to the coroner, others omit the mayor but deal with the other officers; others again concentrate entirely upon the city council. Any short expression of opinion on this point will be welcome at this time.

T. J. EDMONDS, Erie, Pa.: We are concentrating our attention now upon the school board. The Secretary of the Child Labor Association of Pennsylvania swooped down on us recently and exposed very rotten conditions there. He held the president of the school board, and more remotely the voters of the various wards of the city—for we have the ward system in school board elections—responsible for the lack of enforcement of the child labor law and the compulsory attendance law.

We have a very peculiar situation in the City of Erie. The Republican president of the Council is the president of the Erie Brewing Company, and the Mayor of the city, a Democrat, has amassed a large fortune out of his interest in the Erie Brewing Company, so which ever way the election goes it is the Erie Brewing Company either way. We tried to reform about four or five years ago, and our candidate was beautifully snowed under. So that is the situation we are up against. So I think we must get after the councilmen, the aldermen and the school board.

THE CHAIRMAN: I am going to call on Mr. Childs to talk upon the point raised by Mr. Wishart, to tell of the experience in this last campaign of the Manhattan Congregational Church of New York.

as to whether there is a milk trust controlling the City. We have only issued one report. We are holding meetings, of course, every Sunday night. The attendance has increased rapidly, and it now consists almost entirely of men, and we are developing a lot of real enthusiasm. I believe that by the time we have worked this out for a year that we shall devise a weapon which can be useful to such bodies as the National Municipal League, and to the local reform political bodies, in making a connection between their information and the people.

CHAIRMAN BINKERD: I will next call upon one whose work has been a very strong factor in the Republican politics in his city, and always for good. I am going to ask him to say a word to you with regard to working within party lines—Mr. Dwight F. Davis of St. Louis.

MR. DAVIS: I am afraid that I cannot plead guilty to all the indictments you have brought against me; but I am very glad that our Chairman has put this subject upon his programme. It seems to me that in discussions of this kind we are rather inclined to give too much credit to independent organizations which are working outside of, and generally contrary to, the parties, and not to give enough credit to the work of the men

Work within the Party who are working inside of party lines, who are doing a much more difficult task and sometimes a much more valuable one.

My experience has been very often on both sides; first, as an active member of the Civic League, where I worked outside of party lines. Although we were successful in the movement for playgrounds, in which I was especially interested at that time, I found that our influence, real constructive influence in the city, was not as great as I desired to see it.

Later some of us got interested in ward politics. In the Twenty-eighth Ward in St. Louis, which is the supposed silk stocking ward, and which was at that time in the hands of a crowd who ran it much along the lines adopted in what we call the river down-town wards. It was one of the crookedest wards in the city; a few of us got together and the first election we were snowed under by a majority of something like 700, but the next primary we beat that crowd by 7 votes, and since then have put them absolutely out of business.

I have found in my brief experience inside of the party lines that we have been able to develop a really quite extensive influence, through the active political work which we have been doing in the ward, and I think have attained a position of much more influence than we should have had if we had gone out and fought the party organization outside.

I was interested in the discussion which the gentleman from Grand Rapids brought up about the work of some of the church societies in the last campaign. We made an active fight in several of the wards against

lating themselves most heartily that at last they had had a square election, a fair election; that the violent methods which had prevailed there absolutely in 1905, had at last been overcome. Now just think what an elementary condition of things that is, that a civilized community in our country should be rejoicing that they had had an election free from violence and fraud!

Then I fell in with Mr. Walter L. Fisher, of Chicago, yesterday. And he was telling me something about the proceedings of the Chicago Voters' League, how successful it had been, and how much good it had done. All true. But how elementary, how far back in the march of progress is that first step when the best thing that a body of courageous—very courageous and devoted—men can do for their city is to publish that among the candidates for office there is this large proportion of criminals, saloon keepers, brothel keepers, and keepers of gambling hells. Now that is indispensable work, gentlemen; but regarded as an element in municipal reform, is it not a tolerably elementary step?

The work which must be done in our country for municipal reform is much of it extremely elementary from the point of view of a publicist, and also it is only a palliation of existing evils. It is just like the physician's work, absolutely necessary; hospitals are absolutely necessary; but there is hardly any constructive work in them except when they go beyond the work of the hospital as such, and as individuals take hold of the work of preventive medicine and of medical research.

We have been talking here to-day about constructive work for these bands of men who wish to further municipal reform, who want to get at the constructive business, not what I might call the defensive business

Constructive Work

against outrage and criminality, but want to get at the constructive business, the positive doing of good, the driving out of evil by good. That is the only way we get on in this world through the personal efforts of individuals or municipalities, states and nations; and the next thing I think as an outcome of this discussion is, that these organizations in the intervals between what they call campaigns—some sort of fight that means generally—in the intervals can do genuine constructive work.

What is it? To study the best modes of action for the future in regard to municipal reform, and find out in the first place the promising experiments which are going on in our own country. There is a favorite field of labor.

I have heard the short ballot mentioned once or twice, but only in quite a casual way, as if that were not absolutely the gist of all constructive reform—the short ballot; few candidates to be voted for—so few that the voters can really inform themselves about the merits, or demerits, of the candidates.

Now there is the only way to get rid of "bosses" and "machines." All the "bosses" and "machines" know it perfectly well, and have uniformly opposed every motion toward a short ballot.

palliative. It aims at an ideal, and it aims at an ideal by practical methods, which require, however, all the time the diligent service of patriots.

CHAIRMAN BINKERD: Before we adjourn I want to call your attention to the fact that the time is now past when the discussion of the short ballot shall be only casual, and that the Round Table Conference to be held here to-morrow noon is going to be devoted to this very question of the decrease in the number of elective offices, which, as President Eliot has truly said, is the gist of the whole matter.

The conference now adjourned until Thursday noon, November 18, 1909.

THURSDAY NOON, NOVEMBER 18th.

PROF. AUGUSTUS RAYMOND HATTON, WESTERN RESERVE UNIVERSITY, CLEVELAND, PRESIDING.

The following matter printed on a small card was found by each of those attending the luncheon at their respective plates, viz:

The dangerously-great power of politicians in our country is not due to any peculiar civic indifference of the people, but rests on the fact that we are living under a form of democracy that is so unworkable as to constitute in practice a pseudo-democracy. It is unworkable because:

The Short Ballot Principle

First—It submits to popular election offices which are too unimportant to attract (or deserve) public attention, and,

Second—It submits to popular election so many offices at one time that many of them are inevitably crowded out from proper public attention.

Many officials, therefore, are elected without adequate public scrutiny, and owe their selection not to the people, but to the makers of the party-ticket who thus acquire an influence that is capable of great abuse.

The "Short Ballot" principle is:

First—That only those offices should be elective which are *important* enough to attract (and deserve) public examination.

Second—That *very few* offices should be filled by election *at one time*, so as to permit adequate and unconfused public examination of the candidates for every elective office.

Obedience to these fundamental principles explains the comparative success of democratic government in the cities of Great Britain and other foreign democracies, as well as in Galveston, Des Moines and other American cities that are governed by "Commissions."

The application of these principles should be extended to all cities, counties and states.

1	NETTLEFOLD. (John Sutton Nettlefold, Winterbourne, Edgbaston Park Road, Edgbaston, Gentleman).	
2	TUNBRIDGE. (William Stephen Tunbridge, Rocklands, Woodbourne Road, Edgbaston, Solicitor).	

but two names, of candidates for a certain office, constituting the entire municipal election. That is an English battle-ground. It is not to be wondered at, I think, that the English do better in their cities than we do.

The more complex we make the business of politics the fewer will be the number of citizens who can take part. The simpler we make it, the more certain will it be that all, or nearly all, of the citizens will be complete politicians.

We can not make all the people go into politics but we can simplify politics, and bring politics to the people. The politician under typical American conditions is a man who knows what he is doing on election day. He goes to the polls and votes for twenty-three men, all of whom he knows something about. A political machine is a series of ceremonies wherein politicians tie up the candidates in neat little bundles of twenty-three each, like stalks of asparagus, and set them before the people on election day.

An electorate is a mob of citizens, reasonably well meaning, who go to the polls on election day before the ball game, and pick up one of those ready-made bunches and cast it into the ballot-box. Each citizen votes for three men whom he knows something about, and twenty others whom he can not even name. (I took a census of my own district in Brooklyn on the day after election to find out how many people knew whom they had voted for. I asked them, for instance, the name of the state treasurer, and I found that only fifteen per cent. could name the man they had voted for as state treasurer the day before.)

Misrepresentative government in America is a condition wherein official No. 18 in a list of twenty-three is more gratefully responsive to the wishes of the politicians (who were so kind as to tie him up in the victorious bunch) than to the people (who went off to the ball game without noticing that eighteenth name on the ballot at all).

What actually happened, as a great many of you are probably aware, is this: originally in the United States there was a very small number of elective officials. With the downfall of King Caucus in 1824 and the coming into power of Andrew Jackson, there was put forth the theory that no official is responsible to the people unless elected directly by them. There were not probably a large number of elective offices at that time; but with the economic growth of the country and with the expansion of the functions of municipal government, what happened was that every time a new office was created, regardless of whether it was a political office or not, it was added to the elective list. So we elected clerks of our courts, superintendents of public works, assessors, surveyors, and everything even down to dog-catchers and election officials. At last we have awakened to the fact, as Ostrogorski, in his book on "Democracy and the Organization of Political Parties," puts it, that "popular election is a spring of limited size which if not loaded beyond its capacity will work, but overloaded it simply breaks down." That I believe is what happened in this country in our state and local governments.

There is one other element that I want to bring into this discussion. If you will consider slightly the psychology of electioneering, I think you will get new light upon the question of the short ballot. If you are actually going to have a real choice by the electors you have got to make the candidates become real personalities to the voters. Now it is utterly impossible in a campaign for each of twenty, or fifteen offices even, to become real personalities to the voters.

Every time, however, we bring about a situation in which the personality of two or three candidates does come prominently before the public, then we find that the public generally makes an intelligent choice; and consequently that those who choose these candidates have the strongest possible reasons for choosing men of reputable character. [Applause.]

DR. ROBERT C. BROOKS, *Cincinnati, O.*: I want to express my hearty acceptance of the doctrine of the short ballot, and also my appreciation of the ability with which that idea is being urged. It is in itself a practical illustration of the short ballot, a perfectly definite point that is being taken up by this organization and is being hammered in most effectively everywhere. My own acquaintance with it has come through the efforts of the organization to enlist the college teachers of the country in the propagation of the idea. While perhaps more rapid progress might be made by other methods, yet I believe the greatest final progress will be made by this educational campaign which is being carried on.

It has won acceptance with us because the ground was long since prepared.

say "we", meaning the people generally—I take it that if The Short Ballot Organization undertook to prescribe as an organization just how we should get the short ballot, it would be split into one hundred thousand different individuals according to the temperament of that one hundred thousand individual reformers and their individual ideas.

We in New York voted at the last election for four coroners. Now perhaps we can get the four coroners off; when we get the four coroners off, we will get naturally from eight to forty-eight names off the ballot. Simply strike out those offices. Perhaps we can get to a point where we will not elect municipal court justices. Why should they not be appointed?

For good government you want something shorter and simpler that can be understood and handled. And so I might go on. If the teachers in our colleges will take it up, if the instructors in civics in our high schools will take it up, not preaching any particular thing except the advantage it would be if we could have a short ballot, then let those who have the time to accomplish things in legislatures accomplish that end of it; but I do not think a Short Ballot Organization can undertake to reform the charters of all the cities in the country.

PROF. HATTON: I think we are all so thoroughly agreed upon the desirability of the short ballot that it is not necessary to prolong this discussion.

The Conference then adjourned *sine die*.

elements of society. We are not a sociological organization, and have no wish to supplant organizations which are engaged in uplift work. We are in no sense political, though we have an influence in national and state legislatures. We are not enthusiasts, yet a great impetus has been given to the study of art and literature, to history and science in hundreds of homes. We are working quietly for whatever place may come to us in the world, hoping to fill it with knowledge and judgment, with poise, with conservative but progressive action."

Horace E. Deming, Esq., Chairman of the Executive Committee of the League, responded to the toast "Progress in City Government." Mr. Deming spoke of the important part played by governmental action in accomplishing the reforms already achieved to which previous speakers had referred and of the need of governmental action in the future if their bright visions were to be transformed into accomplished every day facts. He said that leadership was necessary, but it must be leadership that recognized that political advance must be gained by the votes of the average American voter and illustrated this by a summary of progress that had been made in New York. He emphasized the importance in city government and in our political methods generally of substituting simplicity for complexity, clearness for obscurity, direct accountability for responsibility, diffused and dissipated.

Dr. Eliot was called upon for a few concluding remarks in the course of which he said: "Now the great lesson in the political progress in this country during the last fifty years is this—that a few men working together conscientiously, of public spirit, of intelligence, of devotion to their cause, can bring great things to pass in a republican society. That is the most important lesson for us to learn to-day, that such are the possibilities in a republic, in a democracy, that the leadership of devoted men is not dead in a democracy."

"Another lesson which is not at all new, but as old as the Bible, is that great public uplift comes from men who see visions. [Applause.] 'And the young men shall see visions, and the old men shall dream dreams;' and that is the way in which human welfare is advanced, in republics especially, it is the man that sees visions who lights the fires which bring the visions to pass."

The Baldwin Prize Essay.

Fifteen essays were submitted for the Baldwin Prize in 1909 on the subject, "The Practical Operation of Government in Some Large American City." The prize was awarded to Henry Warren Cleary, of the Junior Class, Harvard University, with honorable mention of Francis S. Wyner, Junior Class, Harvard University, the judges being Elliott Hunt Pendleton, Esq., Cincinnati; John A. Butler, Esq., Milwaukee, and Professor Augustus Raymond Hatton, Western Reserve University, Cleveland.

"City Government by Commission" is the topic selected for the 1910 competition. The judges will be Mr. Elliot H. Goodwin, New York; Professor John A. Fairlie, University of Illinois, and Dante Barton, of the *Kansas City Star*.

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be made for differences in the tastes, opinions, and capabilities of different instructors. The suggestion was made that the preparation of such a syllabus ought to be undertaken by a committee of instructors rather than by any single teacher. Professor Hatton also referred to the need of a source book or volume of selected readings on American city government such as might be used in college classes to supplement assigned reading in text books and stated his views as to what such a volume might profitably contain. The discussion was continued by Professor Hayes of Columbia University, Professor Munro of Harvard University, Mr. Horace E. Deming of New York City, and the Chairman.

The Conference adjourned at 10 p. m.

WILLIAM BENNETT MUNRO,

Chairman Committee on Co-ordination of Instruction in Municipal Government in Colleges and Universities.

INDEX.

- Abbott, Miss Grace, 51, 148
 Accounts and Reports, Uniform, 269
 Addams, Jane, 151
 Administrative Control, 287
 Administrative Duties, 221
 Advisory Committee, 474
 Amendments to Constitution of Pennsylvania, 133
 America for Americans, 150
 American Civic Association, 3, 7, 41, 66, 124
 American Municipal Budgets, 260
 American Municipal Situation, Clinton Rogers Woodruff, 10, 87
 American Political Science Association, 382
 American Systems, 149
 Analysis of Misgovernment, 284
 Analytical Statements Essential, 266
 Antagonism of Standards, 38
 Appeal of the Party Label, 294
 Appointments to and Promotions in the Police Force, Arthur H. Woods, 53
 Appropriations, 277
 Associated Harvard Clubs' Report on School Administration, A. Julius Freiberg, 354
 Atlanta, 87, 134
 Auditors 477
 Australia, 307
 Autocratic Government, 213
- Baker, M. N., 10, 371, 433, 449, 477
 Baldwin Prize, 18, 473
 Ballard, E. M., 1
 Ballot, How short should the—be, 469
 Baltimore, 87
 Beale, Prof. J. H., Jr., 96
 Bell, Joseph McC., 5, 66
 Bennet, Hon. William S., 41, 142
 Berkeley, Cal., 98, 302
 Bettman, Alfred, 451
 Bibliography, 16, 19
 Bingham, Theodore A., 131
 Binkerd, Robert S., 50, 450, 458, 467, 475
 Bonaparte, Hon. Charles J., 9, 10, 16, 24, 39, 41, 42, 63, 64, 471
- Boss, 78, 80, 84
 Boston, 87, 96, 147, 206, 257, 301, 466, 467
 Boston—1915—125
 Boston Finance Commission, 179, 291
 Boston Finance Commission, Harvey N. Shepard, 71, 205
 Boston Finance Commission, Report of, 184, 292
 Boston Franchises, 73
 Boston's Referenda, Vote for One Hundred Years, Dr. Edward M. Hartwell, 64, 334
 Boston's Telephone Situation, 446
 Bradford, Ernest S., 23, 72, 217
 Brookline, 218, 305
 Brooklyn, 399
 Brooks, Robert C., 19, 63, 439, 468
 Bryce, Hon. James, 191
 Budget of the District of Columbia, Alonzo Tweedale, 68, 273
 Budgetary Form, Change in, 280
 Budget Committee, 475
 Budgets, Resolutions re, 69
 Budgets—Responsive—Needed, 261
 Buffalo, 87, 219
 Building Code, Essential Principles of a, Lawrence Veiller, 63, 196
 Building Codes, New York's, 201
 Bureau of Municipal Research, New York City, 179
 Burnham, George, Jr., 20, 44, 50, 475
 Burns, Allen T., 452
 Burton, Hon. Theodore E., 404
- California, 218, 296, 301
 Campaign Contributions, Publicity and Regulation of, Prof. Robert C. Brooks, 63, 439
 Canada, 306
 Canadian Municipalities, Union of, 17
 Chadsey, Prof. C. E., 28
 Charter Readjustment, 87, 234
 Chase, Harvey S., 68, 89, 445
 Chelsea, 206, 218, 220
 Chicago, 93, 94, 101, 121, 123, 137, 152, 293, 441, 450
 Chicago, Civic Struggle in, 305

- Chicago League's Experience, 452
 Childs, Richard S., 459, 465
 Church, Work of a, 459
 Churches as Allies, 455
 Cincinnati, 119, 451
 Cincinnati Citizens' Municipal Party, 451
 Cincinnati's Invitations, 3
 Cincinnati's Progress, 4
 Cities as Labor Markets, 149
 Cities, Organization and Powers of, 237
 Cities, Police Problem in, 52
 Citizens, Associations of, 79
 Citizens Municipal Party, Cincinnati, 451
 Citizenship Something Apart, 39
 City Clubs, 475
 City Finances Committee, 475
 City Government, Progress in, 472
 City Government, Pursuit of Wealth and, 163
 City Interest in Law Enforcement, 161
 City Plan Report, 429
 City Planning, 124, 448
 Civic Interest, 122
 Civic Interest of Women, 124
 Civic Revivals, 430, 431
 Civic Spirit, Development of, John Ihlder, 11, 424
 Civics in Elementary Schools, 31
 Civics Instruction in, in Elementary and High Schools, James J. Sheppard, 24, 366
 Civics, Requirements of a Course in, 33
 Civics Teaching, a Next Step Toward Better, Michael M. Davis, Jr., 380
 Clean Streets, 194
 Clearness Requisite, 197
 Cleveland Chamber of Commerce, 405, 408
 Cleveland Railway Company, 410
 Cleveland Street Railways, 66, 114, 403
 Cleveland, Street Railway Situation in, Warren L. Hayden, 66, 403
 Cleveland Railway System, 136
 Clipping Sheets, Use of, 23
 Colorado, 28, 218
 Colorado Springs, 99, 218
 Commission Form of Government, 95, 100, 220, 463
 Commission Form of Government to Date, Dr. Ernest S. Bradford, 72, 217
 Commission Government, Success of, 225
 Committee on the Co-ordination of Instruction in Municipal Government, William Bennett Munro, 17, 476
 Committees, 49, 474
 Community Life, Efficiency in, 32
 Community, What is Meant by, 32
 Completeness, a Requisite, 262
 Complex Governments Cause Apathy, 163
 Complications of Municipal Government, 179
 Comptrollers and Accounting Officers, National Association of, 273
 Concrete Methods Needed, 381
 Consents and Franchises, 232
 Constitution, Amendment of, 401
 Constitution of Pennsylvania, 133
 Constitutional Provisions, 247, 249
 Constructive Work, 462
 Control, Legislative, 207
 Control of Police, Augustus Raymond Hatton, 62, 157
 Co-operation, Public, 421
 Co-ordination of Instruction in Municipal Government in American Colleges and Universities, 438
 Corporate Influence, 444
 Councilmanic Negotiations, 407
 Criticisms of the Initiative, 311
 Crowded High School Courses, 28
 Crusades Against Graft, A. Leo. Weil, 24, 417
 Dana, Richard Henry, 53, 63, 88, 179
 Davis, Dwight F., 460
 Davis, Jesse B., 25, 29
 Davis, Michael M., Jr., 24, 380
 DeForest, Robert W., 63
 Dehoney, Carl, 23, 477
 Delinquencies, Responsibility for, 189
 Deming, Horace E., 5, 6, 21, 46, 73, 217, 469, 472, 476, 479
 Democracy, 465
 Democracy, Municipal Research—A New Instrument of—Rufus E. Miles, 71, 284
 Deneen, Hon. Charles S., 106, 219
 Departments, Independent, 206

- Depressing Surroundings, 30
 Des Moines, 96, 100, 137, 218, 220, 222, 226, 227, 257, 297, 298
 Detroit, 87, 129, 242
 Development of Civic Spirit, John Ihlder, 11, 424
 Difficulties Confronting Municipal Officials, 2
 Dinner, 471
 Direct Primaries for U. S. Senators, 107
 Direct Primaries in New York, 104
 Discouragement of Expert Service, 183
 Discretionary Power, 197
 Dishonesty and Incompetency, 175
 District of Columbia, Budget of the, Alonzo Tweedale, 68, 273
 Division of Administrative Duties in Different Cities, 221
 Dunn, Prof. Arthur W., 30

 Easley, R. M., 65
 Edmonds, T. J., 458
 Effect of Immigration on Municipal Politics, William S. Bennet, 41, 142
 Effectiveness, 319
 Efficiency in Community Life, 32
 Election Machinery at Fault, 143
 Elections, Separation of, 293
 Elections, Work Between, 458
 Elective Municipal Officers, Initiative in Choice of, Charles J. Bonaparte, 77
 Elective Party Leader, 86
 Electoral Reform, 476
 Elementary and High Schools, Municipal Civics, James J. Sheppard, 31, 366, 476
 Elementary Courses, 369
 Elementary Stages of Reform, 461
 Elimination of National Party Designations from Municipal Ballots, Robert Treat Paine, Jr., 64, 291
 Eliot, Dr. Charles W., 43, 66, 96, 147, 186, 228, 354, 461, 471, 472
 Emotional Patriotism, 152
 Enforcement of Laws, 176
 England, Municipal Government in, 305
 English Budget, 259
 English, H. D. W., 69, 121
 Enlightened Leaders, 437
 Essential Principles of a Building Code, Lawrence Veiller, 63, 196
 Executive Committee, 49, 475
 Executive Officers and Their Functions, 361
 Executive Powers, 210
 Expenditures, Municipal Budgets and Le Grand Powers, 68, 258
 Expert Service, Politics and, 181, 183
 Experts—Independence of, 191

 Fairlie, Prof. John A., 60, 473, 479
 Favoritism, 172, 198
 Federal System, 357
 Federation of Women's Clubs, 471
 Fesler, Mayo, 22, 452, 453
 Finances, 241, 270
 Finance Commission, Boston, 71, 89, 179, 205
 Fisher, Irving, 436
 Fisher, Walter L., 1, 441, 449, 462
 Fitzgerald, Hon. Thos. 193
 Flack, Dr. H. E., 477
 Florida, 96
 Foreign-born Voters in Maryland, 42
 Foreign Efficiency, 80
 Foreigners as Independent Voters, 52, 143
 Forest City Railway Company, 403
 Forms of Commission, 100, 220
 Fort, Hon. Franklin N., 106
 Foulke, Hon. William Dudley, 57, 64, 71, 469
 Franchise Regulation, 111
 Franchises, 244, 442
 Franchises, Consents and, 232
 Franchises, Interest on, 116
 Freiberg, A. Julius, 16, 23, 61, 354
 Fresno, Cal., 295
 Functional Activity, 267

 Galveston, 95, 96, 97, 100, 135, 217, 219, 220, 257
 Garfield, Hon. James R., 44
 Gaynor, Hon. W. J., 108
 General Public Municipal Health Problems and the, M. N. Baker, 10, 433
 Germ of the Initiative, 340
 Gerry, Elbridge, 338
 Gibboney, D. Clarence, 132
 Glasgow, 213
 Godkin, E. L., 100
 Goff, F. H., 404
 Good Citizens the End, 26
 Goodwin, Elliott H., 54, 473
 Government, Autocratic, 213

- Government a Matter of Adjustment, 442
 Government, Metropolitan, 214
 Governor, Removal by, the, 169
 Graft, Crusades Against, A. Leo. Weil, 24, 417
 Grafting, 117
 Grand Junction, Colo., 99, 303
 Grand Rapids, 241, 295, 428
 Grand Rapids Board of Trade, 428
 Greater New York, 130
 Greater New York Charter, 90
 Greater New York, Rapid Transit Policy, Dr. Milo R. Maltbie, 65, 390
 Grinstead, Mayor, 134
 Group Fellowship, 155
 Growth of Municipal Research Idea, 288
 Guthrie, Hon. George W., 133

 Hally, P. J. M., 247
 Harper, Hon. A. C., 327
 Harper, Clarence L., 50
 Harriman, E. H., 187, 188
 Hart, Prof. Albert Bushnell, 228
 Hartwell, Dr. Edward M., 64, 334
 Hartwell, Frank N., 59
 Harvard Clubs' Report on School Reform, 16, 17, 122, 354
 Hatton, Prof. Augustus Raymond, 52, 53, 62, 157, 454, 456, 464, 473, 479
 Haverhill, 308
 Hayden, W. S., 66, 403
 Haynes, Dr. John R., 328
 Health Board View Point, 433
 Hearst's Appeal, 145
 High School Courses, 370
 High Schools, Instruction in, 25
 Home Rule Law for Cities in Michigan, Hon. Guy A. Miller, 72, 229
 Home Rule, Municipal, 62, 94
 Home Rule, Principle of, 159
 Home Rule Violated, 212
 Houston, 217, 222
 Howard, Jerome B., 469
 Howland, William B., 11, 50
 Hughes, Hon. Charles E., 91, 104, 366, 392
 Hygiene, 436

 Idaho, 296, 304
 Ihlder, John, 11, 22, 424
 Illinois, 87, 96, 105, 106
 Immigrants and the Municipal Problem—Miss Grace Abbott, 51, 148
 Immigrant, Effect of, on Municipal Politics, Hon. Wm. S. Bennet, 41, 142
 Imperative Need of a Job, 152
 Improved Surroundings, 9
 Improvement of Teachers, 363
 Increase in Membership, 46
 Indebtedness, Bonded, 231
 Independence of Experts Desirable, 191
 Independence of Foreigners, 52, 143
 Independent Departments, 206
 Indeterminate Grant, The, 393
 Indiana, 96
 Indianapolis Commercial Club, 31
 Influence, Corporate, 444
 Ingalls, Melville E., 443
 Ingersoll, Charles H., 20, 21, 23, 50
 Initiative, 223
 Initiative and Referendum, 310, 318
 Initiative and Referendum in Oregon, Practical Workings of, Joseph N. Teal, 64, 110, 309
 Initiative and Referendum in Portland, 109
 Initiative and Referendum, Spread of the, 110
 Initiative, Criticisms of, 311
 Initiative, Germ of the, 340
 Initiative in the Choice of Elective Municipal Offices, Charles J. Bonaparte, 77
 Instruction in Civics in Elementary and High Schools, 24, 366, 476, 479, 17, 438, 476, 479
 Instruction in High Schools, 25
 Instruction in Municipal Government, Committee on the Co-ordination of, William Bennett Munro, 17
 Instruction Should Begin Early, 368
 Intercollegiate Civic League, 122
 Interest on Franchises, 116
 International Municipal Bureau, 17
 Investigation—National Civic Federation, 443
 Iowa, 218, 223, 224, 225, 297, 298

 Jerome, William Travers, 131
 Johnson, Tom L., 114, 115, 135, 136, 403, 414
 Johnson—Goff Settlements, 404
 Johnson's Defeat and Its Results, 414
 Johnson, Mayor, and the Referenda, 411
 Justice, Delays of, 420
 Kansas, 95, 100, 217, 223, 224, 225, 308

- Municipal Problem, Immigrants and the, Miss Grace Abbott, 51, 148
 Municipal Program, 99, 246
 Municipal Publications, 11, 12, 20
 Municipal Research, 119, 286
 Municipal Research Idea, Growth of, 288
 Municipal Research—a New Instrument of Democracy—Rufus E. Miles, 71, 284
 Municipal Reference Libraries, 477
 Municipal Situation, American—Clinton Rogers Woodruff, 10, 87
 Municipal Traction Company, 406
 Municipal Voters' League, 450
 Municipal Wastefulness, 120
 Municipal Watchfulness, 121
 Munro, William Bennett, 17, 217, 476, 479

 National Association of Comptrollers and Accounting Officers, 273
 National Civic Federation Investigation, 443
 National Municipal League, 3, 6, 22, 77, 87, 99, 157, 291, 307
 National Parties Adversely Affected, 292
 National Party Designations, Elimination of—from Municipal Ballots, Robert Treat Paine, Jr., 64, 291
 Nebraska, 96
 New England, 96, 129
 Newport, R. I., 296
 New York, 87, 94, 104, 123, 144, 146, 179, 201, 202, 264, 289, 390, 441
 New York Advances, 289
 New York's Building Code, 201
 New York City, Bureau of Municipal Research, 179
 New York's Code, 202
 New York, Direct Primaries in, 104
 New York Election—What the—Proved, 146
 New York Public Service Commission, 390, 391
 Next Step Toward Better Civics Teaching, Michael M. Davis, Jr., 380
 Nolen, John, 447
 Nomination Reform, 103
 Nominations, 210
 Nominations, Committee on, 49

 Non-Enforcement of Law in Cities, Reasons for, 161
 Non-Partisan Cities, 303
 Non-Partisan Judiciary, 304
 Non-Partisan Mayor, 427
 Non-Partisan School Boards, 304
 North Dakota, 95, 102, 218, 304
 Nullification of Laws, 199

 Office Seeking, 79
 Officers, 49, 237
 Ohio, 5, 91, 249
 Ohio Municipalities, 5
 Ohio, Paine Law in, John R. Schindel, 72, 249
 Oklahoma, 95, 218
 Operation of the Initiative and Referendum in Oregon, Joseph N. Teal, 64
 Operation of the Recall in Los Angeles, Fielding J. Stilson, 64, 326
 Ordinances, Local, 201
 Oregon, 64, 96, 309, 315
 Oregon Conservation Commission, 315
 Oregon, Operation of the Initiative and Referendum in, Joseph N. Teal, 64, 309
 Origin of Parties, 82
 Organization and Powers of Cities, 237

 Pacific Coast, 139, 218
 Paine Law in Ohio, John R. Schindel, 72, 92, 249
 Paine, Robert Treat, Jr., 48, 64, 291
 Parties, 78
 Parties, Origin of, 82
 Party Label, Appeal of the, 294
 Party Leader, Elective, 86
 Party Spirit, 83
 Party Work Within the, 460
 Pendleton, Elliott H., 2, 3, 67, 448, 469, 473
 Pennsylvania, 87
 Percentage Required for Recall, 332
 Performers Rather than Reformers, 424
 Permanency, 188
 Philadelphia, 106, 119, 123, 132, 291, 293, 356, 441
 Philadelphia City Party, 441
 Philadelphia's Primary Experience, 106
 Pittsburg, 69, 119, 121, 133, 452, 455

- Pittsburgh Civic Commission, 69, 452
 Pittsburgh League, Work of the, 456
 Plan of Control, 168
 Pleydell, A. C., 51, 54
 Police and the Merit System, 53
 Police Commissioner, 168
 Police Control of, Augustus Raymond Hatton, 52, 157
 Police Force, Appointments to and Promotions in, Arthur Woods, 53, 172
 Police not Merely Local Officers, 160
 Police Problem, Importance of, 158
 Police Promotions, Arthur Woods, 52, 172
 Police, State Control of, 166
 Police, State Inspection of, 60
 Political Capacity, Urban Life and, 162
 Political Features, 89
 Politics and Expert Service, 181
 Politics, Taking Municipal Contracts out of, Richard Henry Dana, 63, 179
 Portland, Oregon, 87, 139, 309
 Portland, Initiative and Referendum in, 109
 Portland Taxpayers' League, 320
 Power Over Public Revenue, 258
 Powers, Hon. Le Grand, 68, 258
 Practical Workings of the Initiative and Referendum in Oregon, Joseph N. Teal, 64, 309
 Preparation of Budget, Steps in, 276
 Primary, 79, 106
 Primary Experience, Philadelphia's, 106
 Privately Supported Prosecutions, 418
 Profit Sharing, 396
 Profits, Use of, 397
 Progress in City Government, 472
 Progressive Rapid Transit Policy, a—Dr. Milo R. Maltbie, 65, 390
 Promotions, 58, 172
 Prosecutions, Privately Supported, 418
 Protection of Life and Property, 376
 Providence, 307
 Publications, Municipal, 11, 12, 20
 Publications, Municipal, William B. Howland, 11, 12
 Public be Pleased, 112
 Public Co-operation, 421
 Public, Municipal Health Problems and the General, M. N. Baker, 10, 433
 Public Revenue, Power Over, 258
 Public Utilities and City Planning, 448
 Public Utilities Commission of Wisconsin, 113
 Publicity and Regulation of Campaign Funds, Prof. Robert C. Brooks, 63, 439
 Quincy, Josiah, 185, 190
 Raines Law Hotels, 127
 Rapid Transit Obstructed, 390
 Rapid Transit Policy for Greater New York, Progressive, Dr. Milo R. Maltbie, 65, 390
 Recall, 77, 108, 223, 328, 332
 Recall, in Los Angeles, 64, 109, 326
 Recall, Percentage Required for, 332
 Recent Constitutional and Statutory Enactments in Michigan Relative to Cities, Hon. Guy A. Miller, Detroit, 72, 229
 Referenda in Massachusetts, 1776-1907, Edward M. Hartwell, 64, 334
 Referenda, Mayor Johnson and the, 411
 Referendum, 77, 211, 222, 313
 Referendum, First, 338
 Referendum, Initiative and, 310
 Referendum Needed, 153
 Reference Libraries, 477
 Reform, Elementary Stages of, 461
 Reformers, Performers rather than, 424
 Requirements of a Course in Civics, 33
 Resolutions, 20, 47, 49, 66, 69
 Responsibility Dangerous, 186
 Responsibility for Delinquencies, 189
 Responsibility for Moral Training, 26
 Responsibility — Separation of — Desirable, 190
 Responsive Budgets Needed, 261
 Revenue Appropriations,—Separate, 263
 Richmond, Ind., 119
 Rigidity, 200
 Rings, 81

Rochester, 21, 37, 123
 Rochester Civic Clubs, 37
 Rochester's Experience, 36
 Rochester's Experiment, 123
 Roosevelt, Theodore, 291
 Round Table Conferences, 441
 Rowe, Prof. L. S., 217

Salaries, 193
 San Francisco, 87, 97, 140
 Sanitary Instruction, 154, 433, 477
 Schindel, John R., 72, 92, 249
 Schmidt Grant, 408, 412
 School Administration, Associated
 Harvard Clubs' Report on, A
 Julius Freiburg, 16, 354
 School Buildings, Use of, 40
 School Reform, Harvard Club's
 Report on, 17, 354
 Seattle, 87, 139
 Separate Revenue Appropriations,
 263
 Separation of Elections, 293
 Separation of Responsibility Desir-
 able, 190
 Shaw, Dr. Albert, 191
 Shepard, Harvey N., 51, 71, 73, 205
 Sheppard, James J., 24, 30, 366
 Short Ballot, 102, 462, 464
 Shouldering Up, 71
 Simplicity and Concentration, 97
 Small Board Elected at Large, 356
 Smith, Rufus B., 471
 Social Center and Civic Club House,
 Use of the Public School Build-
 ing as, 35
 Social Engineers, 27
 Social Evil, The, 57, 59
 Socialist Party, 155
 Socialist Propaganda an Example,
 156
 South Dakota, 95, 299
 Special Assessment, Construction of
 Lines by, 398
 Spokane, Washington, 87, 303
 Springfield, Ohio, 126
 St. Joseph, Mo., 218
 St. Louis, 87, 92, 94, 293, 363, 460
 St. Louis Civic League, 92
 St. Paul, 219
 Standards, Antagonism of, 38
 State and County, Relation to, 239
 State Control of Police, 166
 State Control Undesirable, Full, 167
 State Detectives, 170
 State Inspection, 169, 170
 State Inspection of Police, 60

State Police Bureau, 171
 State Secretaries, 477
 Statements — Analytical — Essen-
 tial, 266
 Stilson, Fielding J., 64, 109, 326
 Street Railway Situation in Cleve-
 land, Warren S. Hayden, 66, 403
 Street Railways, Cleveland, 114
 Street, The—the Central Element of
 City Life, 372
 Strong, Thomas N., 110
 Study of Actual Operations, 367
 Success of Commission Govern-
 ment, 225
 Sunday Selling, 127
 Supreme Court Decisions, 115, 250
 Swampscott, 215

Tacoma, 87, 139, 218
 Taft's Sympathy, 307
 Taking Municipal Contracts out of
 Politics, Richard Henry Dana,
 63, 179
 Tammany, 130, 199
 Tayer Plan, 406
 Teacher, the Key, 382
 Teachers, Improvement of, 363
 Teal, Joseph N., 64, 110, 309
 Telephone Situation, Boston's, 446
 Texan Cities, 95
 Thomson, Frank G., 122
 Tuke, Fred., 39
 Turner, George Kibbe, 228
 Toledo, 136
 Treasurer's Report, 44
 Tweeddale, Alonzo, 68, 273
 Type of Measures Submitted, 313

Unenforced Laws, 56
 Uniform Accounts and Reports, 269
 United Cities Conference, 291
 United States Senators, Direct
 Primaries for, 107
 U'Ren, W. S., 309
 Urban Life and Political Capacity,
 162

Veiller, Lawrence, 59, 63, 196, 496
 Vice-Presidents, 47
 Virginia, 87, 96
 Vitality, National, 436
 Vote on Boston's Referenda for
 One Hundred Years, Dr. Edward
 M. Hartwell, 64, 334
 Voters, Equipment of, 368
 Ward, E. J., 21, 35, 40, 123

- Waring, Col. George E., 194
Washington, 68, 220, 270, 275
Washington, Finances of, 270
Washington, Government of, 275
Wastefulness, Municipal, 120
Webster, Walter A., 207
Weil, A. Leo. 24, 36, 38, 55, 417, 455, 457
West Virginia, 87, 219
Whitlock, Hon. Brand, 136
Wilcox, Dr. Delos F., 252, 371
Willard, Charles D., 328, 331
Wilson, Dr. J. Lockie, 448, 449
Wisconsin, 87, 95, 219, 225, 299
Wisconsin League of Municipalities, 94
Wisconsin, Public Utilities Commission of, 113
Wisconsin, University of, 122
Wise, I. M., 52
Wishart, Rev. Alfred W., 455, 458
Wolfstein, Dr. David I., 469
Women, Civic Interest of, 124
Woodruff, Clinton Rogers, 7, 10, 65, 87, 457, 479
Woods, Arthur, 53, 54, 172
Worcester, 127
Work Between Elections, 458
Work within the Party, 460
Written Examinations, 173

